

RELIGIOUS AND LEGAL  
CONSTITUTION  
OF THE  
PILGRIM STATE

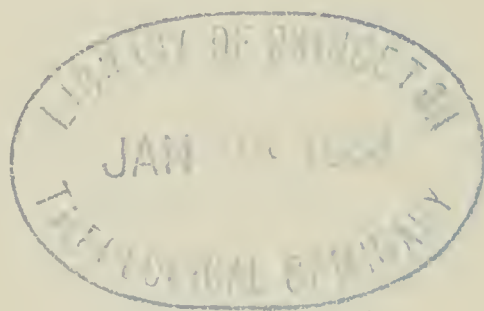
---

REV. PAUL STURTEVANT HOWE, LL.B., Ph. D.

---

ALBERT R. HAND  
PUBLISHER  
CAPE MAY, N. J.





Division F68

Stack H85













Digitized by the Internet Archive  
in 2019 with funding from  
Princeton Theological Seminary Library







RELIGIOUS AND LEGAL CONSTITUTION  
OF THE  
PILGRIM STATE

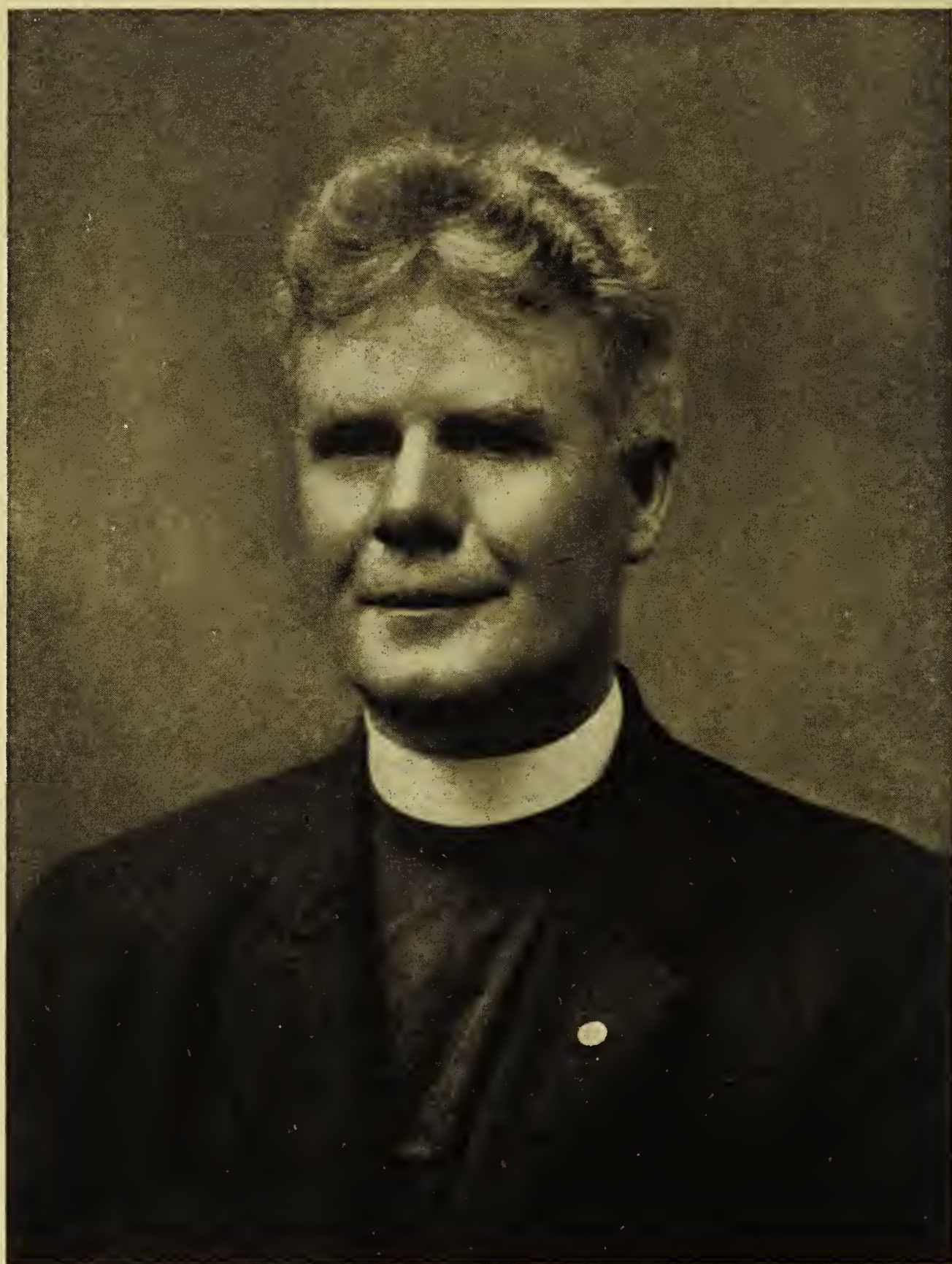












**REV. PAUL STURTEVANT HOWE, Ph. D.**

**Rector of the Church of the Advent**

**Cape May, New Jersey**



LIBRARY OF PENNSYLVANIA  
JAN 24 1953

# THE RELIGIOUS AND LEGAL CONSTITUTION OF THE PILGRIM STATE

THE FACTS OF  
EARLY PILGRIM HISTORY

By the Author of  
"Mayflower Descendants in Cape May County"

REV. PAUL STURTEVANT HOWE, LL.B., Ph D.

*Member of the Pennsylvania Historical Society.  
Member of the Society of Mayflower Descendants.  
Member of the Society of the Sons of the Revolution.  
Member of the Colonial Society of Pennsylvania.  
Member of the Genealogical Society of Pennsylvania.  
Past Chaplain General of the Order of Founders and  
Patriots of America.*

Fully Indexed



Copyright 1923  
ALBERT R. HAND  
Publisher  
Cape May, New Jersey



## TABLE OF CONTENTS

---

Publisher's Preface.

Author's Preface.

The Progressive Changes in the Pilgrim Church, and the Difficulty of Determining the Exact Belief of the Fathers.

The Fundamentals of Congregationalism, and how far the same were accepted by the Pilgrim Church.

The Theology of the Pilgrim Church, (a) the period in Holland, (b), the development at Plymouth.

The Growing Influence of Puritanism in the Pilgrim Church.

The Laws of Plymouth Colony.

The Patents, Compact and Articles of Confederation.

Treatment of the Indians by the Pilgrim and their descendants, (a) early titles to land—now acquired, (b) treatment of Indian prisoners after defeat of King Philip.

Courts and General Laws.

Laws Governing Conduct, including Criminal Laws.

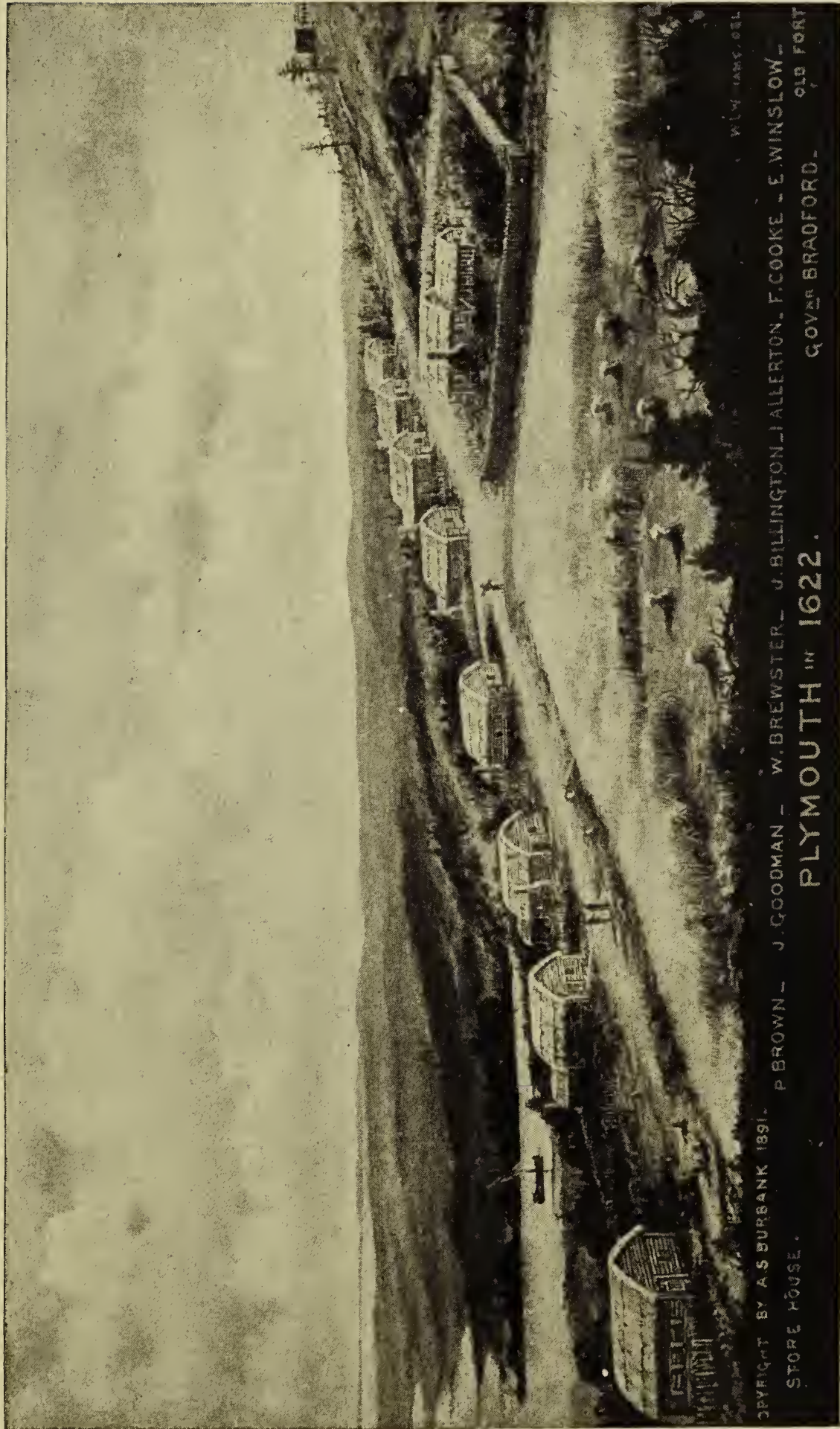
Bibliography.

Complete Index.









Copyright by A. S. Burbank 1891.  
STORE HOUSE.  
P. BROWN - J. GOODMAN - W. BREWSTER - J. BILLINGTON - J. ALLERTON - F. COOKE - E. WINSLOW -  
PLYMOUTH IN 1622.  
GOVERNOR BRADFORD - OLD FORT

*Published by permission of A. S. Burbank*  
**PLYMOUTH COLONY IN 1622**







## PUBLISHER'S PREFACE

In the published proceedings of the New Jersey Historical Society of the date July, 1921, a notice of Dr. Howe's previous work entitled "Mayflower Descendants in Cape May County," is given, describing the book as most interesting and thoroughly prepared, and with a further comment upon this present work with the commendation that the author is well-equipped to make it an authoritative volume. This is the purpose of this book—an authoritative statement in brief form of the facts of early Pilgrim history—the Pilgrim as he was, not as novelists and poets have made him appear. For the busy reader probably no book published so completely separates the mythological and legendary elements in Pilgrim literature from the historical facts as this brief volume. The growing demand for an accurate knowledge of the early life of the Pilgrims—their religious opinions and system of laws, is met in this condensed and inexpensive book.

The following questions are discussed and answered in the pages of "The Religious and Legal Constitution of the Pilgrim State": What was the distinction between the Pilgrims of Plymouth and the Puritans of Massachusetts Bay? Wherein did the Pilgrims differ from the Puritans in religious belief and practice? Did the Pilgrim Church profess a creed? In the matter of ordination did the Pilgrim Church accept the full Congregational polity? What part did the Evangelical movement of Whitefield have in the Pilgrim Church, and what was the effect? Under what circumstances and at what time did the original Church of the Pilgrims become Unitarian? Were persons accused of witchcraft ever executed in Plymouth Colony? How did the treatment of Quakers in Plymouth Colony differ from the treatment of that religious body in Massachusetts Bay?

In the legal history of the Colony is it true that the Pilgrims first "fell upon their knees and then upon the aborigines? Is it probable that Captain Myles Standish courted Priscilla Mullins, as in Longfellow's poem? Were voters required to be church members in the Pilgrim Republic, and what were the requirements in the Colonies of Massachusetts Bay, Connecticut and New Haven?

When did the independent jurisdiction of Plymouth as a Colony come to an end?







## AUTHOR'S PREFACE

At this time of renewed interest in the Pilgrim Fathers the student of history can find no subject of more speculative interest than that of the imagined impressions of the Pilgrim Fathers, could they in bodily form return to the scene of their first years in the New World. The returned Pilgrim would be astonished beyond belief at the dignity conferred upon him by history and the evident and admitted importance of his work. If addressed as one of the Pilgrim Fathers, he would reply that he had never heard of the Pilgrim Fathers and he would be amazed at much that has been written about them and what the popular historians have made of them. During his own lifetime no one considered him great and no one called him a Pilgrim, nor did he himself suppose that he was remarkable among the many who for reasons of conscience came into conflict with the laws of their native land.

While the Pilgrim State lasted, 1620-1692, there is no evidence that the Fathers of Plymouth were looked upon with more reverence than the Fathers of Massachusetts Bay or Connecticut. The important and lasting work of the Pilgrims was not recognized by themselves or their first descendants. Hence the utter indifference of the first generations to genealogical records. That the records were kept so carefully was due rather to the laws of Plymouth Colony than to any personal interest in the subject on the part of the inhabitants themselves. The writer knew in his childhood families still residing within a few miles of the landing place who knew nothing of their ancestry, though bearing the names of Bradford and Standish. Dr. Prince, writing in 1736, speaks of the "Voyage of the English people at Leyden for Virginia." He does not call



## THE RELIGIOUS AND LEGAL CONSTITUTION

them Pilgrims, nor were they known by that title until more than a hundred and fifty years had passed after the migration from Holland to Plymouth.

The Pilgrim was more than the product of the religious and political revolution of the sixteenth century—he was the product of the ages. Runnymede and Magna Charta led up to the Compact signed in the cabin of the Mayflower at Provincetown—or going back still further, the crusaders and their spirit of exalted religious adventure lived again in the Pilgrims. The discipline and charity of the medieval monastic orders were exemplified in the community life in Holland and the first days of the settlement at Plymouth. The Pilgrim was the inheritor of the political philosophy of the ages—of Aristotle and St. Thomas Aquinas, who taught that the king could be held guilty of sedition if he acted in opposition to the will of the people. The Compact, the community of labor and land of the early days, carried into practice the abstractions of the speculative philosophers of the past. “Many philosophers have since appeared who have in labored treatises endeavored to prove the doctrine that the rights of men are unalienable, and nations have bled to defend and enforce them, yet in this dark age, the age of despotism and superstition, when no tongue dared to assert, and no pen to write this bold and novel doctrine, which was then as much at defiance with common opinion as with actual power, of which the monarch was then held to be the sole fountain, and the theory was universal that all popular rights were granted by the crown—in this remote wilderness, amongst a small and unknown band of wandering outcasts, the principle *that the will of the majority of the people shall govern* was first conceived, and first practically exemplified.



## OF THE PILGRIM STATE

The Pilgrims from their notions of primitive Christianity, the force of circumstances, and that pure moral feeling which is the offspring of true religion, discovered a truth in the science of government which had been concealed for ages. On the bleak shore of a barren wilderness, in the midst of desolation, with the blasts of winter howling about them, and surrounded with dangers in their most awful and appalling forms, the Pilgrims laid the foundation of American liberty'' (Judge Baylies' Historical Memoir of New Plymouth, Vol. 1, page 29, 1831). Yet of all this the Pilgrim was unconscious—unconscious of the discovery he had made and the age long influences acting upon him—unconscious as we were of the manifold tendencies hidden in the subconscious self, directing us in this way and, that until modern psychology revealed these influences and made known how small a part volition plays in the life of most of us.

The first clear acknowledgement of the permanent value of the work of the Pilgrims comes from the hostile pen of the Tory historian, Governor Hutchinson, writing in 1767. "These were the founders of the Colony of New Plymouth. The settlement of this colony occasioned the settlement of Massachusetts Bay, which was the source of all the other colonies of New England. I am not preserving from oblivion the names of heroes whose chief merit is the overthrow of cities, provinces and empires, but the names of the founders of a flourishing town or colony, if not of the whole British empire in North America."

The cult of the Pilgrim begins with organization of the Old Colony Club at Plymouth in 1769, and the first celebration of the landing of the Forefathers was December 22nd of that year—the error in the date being due to



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

a wrong computation in changing from the Julian to the Gregorian calendar. The dinner served at half past two of that day gives us an idea of the gastronomical abilities of the ancestors. The "decent repast" consisted of the following dishes:

- (1) A large baked whortleberry pudding.
- (2) A dish of sauquetash (succatash, corn and beans boiled together).
- (3) A dish of clams.
- (4) A dish of oysters and a dish of cod fish.
- (5) A haunch of venison, roasted by the first jack (revolving spit) brought to the Colony.
- (6) A dish of sea fowl.
- (7) A dish of frost fish and eels.
- (8) An apple pie.
- (9) A course of cranberry tarts and cheese made in the Colony.

These articles of food, Thacher tells us, were dressed in the plainest manner, "all appearance of luxury and extravagance being avoided, in imitation of our ancestors, whose memory we shall ever respect." On this occasion the descendants of the Pilgrims were given a distinct place and as a part of the celebration drew up in regular file and discharged a volley of small arms (Thacher, 182). On the following year the Club held a similar celebration including an address by Edward Winslow, Jr., and on the next anniversary the Rev. Chandler Robbins in a letter to the Club suggests the propriety of a yearly sermon in connection with the celebration. On this year, 1771, the



## OF THE PILGRIM STATE

accepted date of the anniversary fell upon Sunday, but so little impression of the importance of the occasion was made upon the mind of the pastor of the Pilgrim church that he made no mention of the day in his sermon, and wrote his letter upon being reminded of the festivities on the Monday following. From this time the anniversary sermon became a part of the exercises of Forefathers' Day. In 1817, the sermon was preached by the Rev. Horace Holley, of Boston, and the psalm was read in the ancient form by Deacon Spooner, who knew and conversed with Elder Faunce by whom the Rock was identified as the landing place through information received from the Pilgrims themselves. In the sermon of the day Deacon Spooner's association with Elder Faunce was thus spoken of: "Our venerable friend knew and conversed with Elder Faunce, so Polycarp conversed with St. John, the beloved disciple of our Saviour." The addresses and sermons are in the formal style of the time, flowery and laudatory, but because of the loss of Bradford's manuscript show little exact knowledge of the Pilgrims. They are called "the First Settlers," "the Forefathers," sometimes "Puritans," but rarely Pilgrims.

In 1774 an advance was made in the cult of the Pilgrims, and the increasing desire for independence led the descendants of the Pilgrims at Plymouth to undertake the removal of the Rock to a more conspicuous position in the center of the town. Colonel Theophilus Cotton, whose important services in the impending War of the Revolution are on record, undertook the removal, employing twenty yoke of oxen in the difficult work. In attempting to raise the famous Rock it was split in two parts, one remaining



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

in the former bed, the other being placed in the center of the town. After many years the two parts are united in the original resting place.

As the Pilgrim cult continued to grow, myth and legend take the place of exact history, and the height of sentimental inaccuracy is reached in the Rev. Timothy Alden's Epitaphs, written in 1812, which will be referred to in the text following.

Longfellow's "Courtship of Myles Standish" establishes the Pilgrim in the literature of poetry of the world and brings the light of romance into the most trying period of Pilgrim history. The novels of Jane Austin, "Standish of Standish" and "Betty Alden" have added further fame and romance to the Pilgrim Forefathers.

Finally the organization of the Society of Mayflower Descendants, with the several State societies, has, through publications and investigations of the early records, given an impetus to the study of the exact history of the Pilgrims and the migrations of their descendants throughout the nation and the world.

The assured fame of the Pilgrim rests upon a foundation securer than that of the accidental part he played in the foundation of the New England Colonies or even their development into the empire of the United States of America. He was undoubtedly the most important of the colonists of his day, and the pathetic circumstances of the first winter at Providencetown and Plymouth must always touch the hearts of those who admire undaunted courage and fidelity to the convictions of conscience.

But the singular sanity of the Pilgrim in an age of unparalleled intolerance and religious ferocity establishes



## OF THE PILGRIM STATE

his undying fame for all ages. From the reign of Henry VIII., the laws of England continued to increase in severity—acts insignificant in themselves were magnified into capital crimes, until at the later period of Blackstone one hundred and sixty crimes punishable by death are mentioned in the Commentaries upon the Laws of England. Upon the subject of witchcraft Europe seemed a vast asylum of monomaniacs, possessed with fear of persecution by infernal agencies. Weak minded persons, old, helpless demented men and women, hysterical subjects and insane patients with a disposition to form delusions were accused, or accused themselves of having entered into intimate relationship with infernal agencies. So strong were the suspicions of this peculiar acute form of social *paranoia persecuta* that neither beauty nor tender age could serve as a protection (Psychology of Suggestion, Boris Sidis, M.D.).

Luther had given countenance to witch persecution, saying of the supposed witches who spoil milk, eggs and butter in farm yards, “I should have no compassion on these witches; I would burn all of them” (Table Talk, 25 August, 1538).

In Scotland in 1563 Parliament passed an act decreeing death against witches or those who consulted witches. During the following thirty-nine years, seventeen thousand victims paid the penalty in Scotland.

King James I. published his treatise on demonology in 1597, declaring that “witches ought to be put to death, according to the law of God, the civil and imperial law, and the municipal law of all Christian nations; yea, to spare the life, and not strike whom God bids strike, and so severely punish in so odious treason against God, is not



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

only unlawful, but doubtless as great a sin in the magistrate as was Saul's sparing Agag..... Two good helps may be used; the one is the finding of their mark and the trying of the insensibleness thereof, the other is their floating upon the water; for, as in a secret murder, if the dead carcass be at any time thereafter handled by the murdered (God having appointed that secret supernatural sign for trial of that secret unnatural crime) it will gush out of the blood, as if the blood were crying to Heaven for revenge of the murdered; so it appears that God hath appointed (for a supernatural sign of the monstrous impiety of witches) that the water should refuse to receive them in her bosom that have shaken off them the sacred water of baptism and wilfully refused the benefit thereof; no, not so much as their eyes were able to shed tears (threaten them and torture them as you please) while first they repent (God not permitting them to dissemble their obstinacy in so horrible a crime); albeit the woman-kind especially be able otherwise to shed tears at every light occasion when they will, yea, although it were dissembling like the crocodiles."

During the Long Parliament three thousand executions for the crime of witchcraft are on record, and during the first eighty years of the seventeenth century the number of executions has been estimated at a total of forty thousand (*Psychology of Suggestion*, Boris Sidis, M. D., chapter on Demonophobia).

It is hardly surprising that the witchcraft madness crossed the sea, and that in Massachusetts Bay (not in Plymouth Colony) the painful history of the delusion is repeated. Cotton Mather tells us of the supernatural manifestations coming within his own knowledge, and



## OF THE PILGRIM STATE

gravely says of the following case, “*haec ipse miserrima vidi.*” Four children at Boston were sufferers from some nervous disorder—their tongues fell down into their throats while in an unconscious state and there were other evidences—to the mind of the learned writer, of the working of Satan. The convulsions were associated in some way with an Irish laundress of the household, who upon examination was asked if she had anyone to stand by her. The accused indicated that she could not speak—doubtless through fear or ignorance. Her silence implied that she had someone to stand by her, namely Satan. The conclusion was so satisfactory to the court that the sentence of death followed. After the execution of the unfortunate accused the children did not recover—until later when nature restored them to normal mental health.

Every descendant and lover of the Pilgrims must rejoice that no tragedy of like barbarity ever disgraced the records of the Pilgrim colony, and the trivial absurdity of the following case was unknown in the history of the independent Colony of Plymouth.

The account gives the record of the “Strange Occurrence seen by the Reverend and Learned Cotton Mather,” date 1679.

Bricks were thrown at a house by an invisible hand. Sticks and stones followed—then a dead cat was thrown at the woman of the house by the same diabolical agency. Most horrible of all, while the goodman of the house was at prayers a broom fell upon him, striking him upon the head.

In this case, which seemed of such importance as a manifestation of the Evil One that it is gravely recorded



## *OF THE PILGRIM STATE*

by the Puritan pastor, culpability was fastened upon no one and no execution followed—yet had an accused person attempted to explain on any natural grounds the supposed supernatural manifestations he would have been in grave jeopardy—the extreme penalty being inflicted not only for the supposed crime of witchcraft, but also for denying the existence of witches.

The healthful religious life of the Pilgrims and their consequent sanity in the witchcraft madness of the age are subjects worthy of our careful investigation, and the two main sections following on the Pilgrim Church and the Laws of Plymouth Colony are an examination into the mental attitude of the Pilgrims toward those who differed from them in belief and their credulity in the presence of accusations of demoniacal interference in the affairs of men. Religious intolerance and fanaticism were no part of the Pilgrim practice and character.

What the Pilgrims believed and what the Pilgrims practiced, as shown by the bare record, apart from any predisposition, favorable or unfavorable to them, is the purpose of the investigation in the pages following.











The Polity and Theology  
of the  
Pilgrim Church







# The Polity and Theology of the Pilgrim Church

---

## INTRODUCTION

The method of approaching the subject in this discussion is an assumption or premise that the religious opinions of New England generally, and the Colony of Plymouth particularly, have from the earliest establishment of the Colonies been in a state of change, and that the theological teachings of a particular generation have invariably been modified or completely reversed by the generation or generations following. Thus the undoubted Calvinistic teaching of the early and middle part of the eighteenth century was succeeded by the Evangelical period of the time of Whitefield, and this period, in turn, by the great Unitarian upheaval of the latter part of the eighteenth and the first part of the nineteenth centuries.

The later periods are clearly marked and even the exact dates with the attendant controversy and schisms are a part of the record of the time. In Dr. James Thacher's *History of Plymouth, Part III., Ecclesiastical History*, we find the protest of one of the old Calvinistic and conservative school against the admission to the pulpit of the Pilgrim church at Plymouth of an evangelical preacher whose methods and theology led the sober minded (as they called themselves) to fear for the cause of religion in the community. Josiah Cotton, Esq., grandson of the famous Rev. John Cotton of Boston, made a written request that the pastor, Rev. Samuel Leonard, should assemble the church to consider the following things, relating to the



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

preaching of Mr. Andrew Croswell, an itinerant preacher, who came to Plymouth in February, 1743:

“(1) Whether a sudden and short distress, and as sudden joy, amounts to the repentance described and required. (2 Corin. vii. 9-11.)

(2) Whether the judging and censuring others as unconverted against whose lives and conversation nothing is objected, be not too pharisaical and contrary to the rule of charity prescribed in the Word, and a bold intrusion into the divine prerogative.

(3) Whether the spirit which leads us off from the scriptures or comparatively to undervalue them, be a good spirit; as, for instance, the disorder and confusion in our public meetings, contrary to the scripture rule (1 Cor. xiv.), the breaking in upon the order and religion of families, by frequent, unseasonable evening lectures, without precept or example (except one extraordinary case).

(4) Women and children teaching and exhorting in the public assemblies, contrary to the apostolical directions. Many other things might be mentioned but are omitted, but inasmuch as it had been publicly suggested that three fourths of this church are unconverted, we would humbly move that we may meet together, in order to know whether they are in charity with one another, and also, that the admission of new members may not be too hastily pushed on, till we are better satisfied concerning the spirit that stirs up people to their duty herein.”

Evidently little attention was paid to Mr. Cotton's request, and the following year, 1744, we find Whitefield at



## OF THE PILGRIM STATE

Plymouth by invitation, preaching to large congregations, and as a result, Mr. Cotton and eighty others withdrew from the ancient church of the Pilgrims, and a new church and society was formed from the old.<sup>1</sup> Elder Faunce, who in early years knew many of the Pilgrim Fathers personally, withdrew from the parent church at this time. Sixty six years later, The First Church of Plymouth, the

NOTE 1.—We read in Cotton's Diary that the Rev. George Whitefield, in 1749-50, made a public confession (in print) that he had been too free with the characters of men, and also in using the apostolic style in his writings, giving too much heed to impulses, and having too much wildfire in his zeal; all which he condemned, but his admirers approved.

Josiah Cotton was born at Plymouth, 8 January, 1679, and graduated at Harvard College in 1698. His father was the Rev. John Cotton, minister of the Pilgrim Church at Plymouth from 1637 to 1697. Josiah Cotton was ordained to the ministry, but did not continue in that vocation. He became clerk of the Court of Common Pleas at Plymouth, Justice of the same Court, Register of Probate and Register of Deeds. He died at Plymouth, 1756 at the age of 76 years. His son, John Cotton, was born in April, 1712, graduated at Harvard 1730, and was ordained first minister of the parish at Halifax in Plymouth County, upon the incorporation of that town—the legislature requiring a settled ministry before granting incorporation. Like his father, he withdrew from the ministry and entered secular occupations, succeeding his father as Register of Deeds at Plymouth until his death, 4 November, 1789. The Vital Records of Halifax gave the record of his marriage, 9 December, 1746, to Mrs. Hannah Sturtevant, and the list of his children:

Josiah, born 14 August, 1747.

Hannah, born 1 December, 1748.

Mary, born 15 November, 1750.

John, born 27 March, 1753.

Sophia, born 14 July, 1755.

A successor of Mr. Cotton in the ministry at Halifax in the course of years was the Rev. Elbridge Gerry Howe, father of the author of this volume. The building in which Mr. Cotton preached was still in existence until within a few years. The older residents used to relate how the building was changed from church to town hall by the simple process of sprinkling sawdust upon the floor.



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

successor of the church of Robinson, occupying the site of the former orthodox church of the Pilgrims, repudiated both Calvinism and Evangelicalism and became Unitarian, as was the case with the first parishes in most of the populous towns of the Old Colony of Plymouth and Massachusetts generally. (Goodwin 606). Deacon Spooner, who was present when Elder Faunce, in 1745, identified Plymouth Rock as the landing place of the Pilgrims, remained with the Unitarian party at the division.

This continuous change in religious opinion has many illustrations, particularly the passing of the dogmatism of Jonathan Edwards and the Calvinistic teachings of the eighteenth century, the same churches splitting off from orthodox Calvinism into Evangelicalism on one hand, and Unitarianism on the other, and the complete change of the theological seminaries, as they passed through the different phases of Calvinism, Evangelicalism and the so-called liberalism of the present. Nearly all foresook the strict Calvinistic teaching of former times, and the professor of theology of 1900 taught a view of Holy Scripture faith and eschatology far different from that of his predecessor of 1850, and the latter in turn modified the teaching of 1700. From the time of the confederation of the Colonies of Plymouth, Massachusetts Bay, Connecticut and New Haven, in 1643, to the time of Whitefield, an even Calvinistic teaching seems at first sight to prevail, but a careful examination of the parish histories shows the same progressive changes, with frequent splits, as the new opinions replaced the old. That this was true of the middle and later periods of the ecclesiastical history of the Colony is beyond question, and the assumption that this condition of change is true of the first years has strong support. Goodwin speaks of the hardening of ecclesiastical rule with



## OF THE PILGRIM STATE

the coming of the second generation, and mentions Bradford's sorrow in his old age over the lack in the second generation of the unity and love enjoyed by the Pilgrim pioneers. (Goodwin 607-8).<sup>2</sup>

The difficulty of determining the polity and theology of the Fathers is further increased by the tendency of the members of each religious body claiming succession from the Pilgrim church to interpret its teachings in terms of their own contemporary theology, attributing to the Fathers not only their own polity and theology, but their prejudices as well.<sup>3</sup> At the head of Leyden Street, Plymouth,

NOTE 2.—In Holland the life of the Pilgrims was communistic and the common ownership of property continued for some time at Plymouth (see second division, Laws of Plymouth Colony). Bradford lived to see a vast change in the economic life of his fellow Pilgrims, varying from the patriarchal simplicity of the sojourn in Leyden to the division of land and cattle at Plymouth and the multiplicity of lawsuits the colonists became involved in before the end of the first generation. Two of the Pilgrim band avoided lawsuits—Elder Brewster and Captain Myles Standish—the Elder, because he was too religious; the Captain, because he had too much commonsense.

NOTE 3.—“Our Pilgrim Fathers,” is the claim of many whose theological opinions would have shocked the trained and orthodox minds of Robinson and the first Pilgrim pastors, and is often made without reason of any kind, genealogical or theological. On the other hand, when the Rev. Daniel Lawrence Hughes, D. D., in an address upon the occasion of the one hundred and seventy-fifth anniversary of the founding of Cold Spring Presbyterian Church (New Jersey), spoke of “Our Pilgrim Fathers,” he was absolutely correct, he himself being a descendant of three of the Mayflower passengers in two lines, without being aware of or having the slightest suspicion of that interesting fact in his family history. The majority of his hearers on that occasion were also of Pilgrim ancestry, without knowing it (see “Mayflower Descendants in Cape May County,” page 4). The theology of Cold Spring Presbyterian Church in 1800 was far more agreeable to the teachings of the Pilgrims than that of the First Church of the Pilgrims at Plymouth of the same period, 1800.



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

on or near the site of the first meeting house (for worship) of the Pilgrims, "The First Church" claims a line of pastors, whose names are given on a tablet at the entrance, reaching back to the first settled minister of the Pilgrim Colony, and appropriates to itself the words of Robinson in the Farewell Address at Leyden: "He was very confident the Lord had more truth and light yet to break forth out of his holy word," claiming Robinson's words as a special legacy to the adherents of the present Unitarian body worshipping in that building. A few steps at the side of the same street, the members of the Orthodox Congregational body, split off when the parent church became Unitarian, claims the same line of pastors, and that they and their followers hold the faith of Robinson. A curious instance of the tendency to import a prejudice or scruple into a historical investigation is found in the Rev. Dr. Prince's Chronology, Vol. I., Part II., page 69, where in a note he deliberately changes the date of a letter of Robinson, giving as one reason that the date as recorded in Bradford's manuscript was Lord's Day, implying that Robinson had shared his aversion to letter writing on the Sabbath. Yet there is no suggestion in the manuscripts that Robinson or the Pilgrims held such strictness necessary on the Sabbath, or that the later Puritanism prevailed over the ordinary customs of Holland.

Another instance, which savors of cant, is the comment of the Rev. Dr. Cheever on an unmistakable passage in Mourt's Relation, reading as follows:

"Saturday, the 6th of January, Master Marten was very sick, and to our judgment, no hope of life. So Master Carver was sent for to come aboard to speak with about his accounts: who came the next morning."

Dr. Cheever, whose piety exceeded his historical in-



## OF THE PILGRIM STATE

stinct, absurdly supposes that "his accounts" meant the preparation of his mind for death and that Martin wished Carver to come to him in the capacity of a spiritual adviser, an office which properly belonged to Elder Brewster, if any of the Pilgrims would undertake it. The facts are surprisingly clear; Carver was governor of the Colony, and responsible to the Merchant Adventurers who had financed the migration, Martin was the official treasurer of the ship (the *Mayflower*), and the accounts he wished to settle were purely financial, and not spiritual. (Goodwin 107).

This tendency of the later Puritan writers to identify the Pilgrims with themselves has continued in history, fiction and poetry. Longfellow's repeated designation of the *Mayflower* passengers as "Puritans" is an illustration of this. The grimness of the Puritan has in popular belief become the trait of the Pilgrim, and the statue before Philadelphia City Hall, representing a stern figure with Bible and blunderbuss is entirely unlike the Bradford and the others who spent Christmas night with Captain Jones in the cabin of the *Mayflower*, although they worked during the day. (Mourt, in Young, 169). So the Pilgrim of fact has passed into the Pilgrim of fancy and fiction.<sup>4</sup>

NOTE 4.—The novels of Jane Austin—"A Nameless Nobleman," "Standish of Standish," "Betty Alden"—are valuable aids to the imagination in picturing the life of the Pilgrim settlement at Plymouth, but it is hardly probable that the Pilgrims or their descendants used the formal style of speech of Miss Austin's novels. The writer, reared in the Pilgrim country, knows nothing of such speech, although in Lancashire, England, he heard expressions peculiar to Plymouth County and not heard elsewhere in America. To the present time town meetings are held in March, following the custom of the Fathers, who reckoned by Old Style, with March 25th the first day of the year.



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

With these as our starting points, namely, that the religious opinions of the Pilgrim Colony were in a condition of change in the early years as they were in the later, and that the writers of any religious body claiming succession from the Pilgrims invariably identify the polity and theology of the Fathers with their own time and teaching, it seems at first that the logical method of proceeding with our subject is to throw aside all that has ever been written about the Pilgrims, and gather, by long and painful search from the documents limited in number the justified conclusions which are the object of our labor. This, however, is going too far, and it is advantageous to our purpose to call to our assistance the writings of the expert in the later development of Congregationalism who from a sympathetic and interior understanding of the whole movement can help us to grasp what at first sight is not evident in the original manuscripts and records. Thus the nomenclature of Congregationalism, and its relation to the church of Robinson, is hardly understood by the outsider. To one acquainted with other forms of church government, the expressions "The First Congregational Society," and "The First Congregational Church" seem to have the same meaning, but, while parts of the same parish entity, they are widely different, as the legal conflicts following the upheaval of 1800 show, (Goodwin 606). The writers called to our assistance in this paper are Dr. Prince, Dr. Dexter, Dr. Waddington and Goodwin, author of *The Pilgrim Republic*, all recognized authorities in the early history of Congregationalism, the latter a layman of the liberal school. These authorities supplement the records, but the documents themselves are our superior authority, and we shall be at liberty to reject all individual opinions, and we shall be on our guard against prejudiced conclusions.



## OF THE PILGRIM STATE

What, then, was the polity and theology of the Pilgrim Church? The answer commonly given to the question is that as far as polity is concerned it was Congregationalism in its purest form, but investigation shows this answer is not satisfactory. Dexter lays down as a fundamental law of Congregationalism that "every church is to ordain—or otherwise set apart to office—its pastor or pastors and deacons" (Congregationalism 136), and in Massachusetts Bay Colony this rule was followed from the first. In 1629, three clergymen of the Church of England came to Salem in Massachusetts Bay, and immediately submitted to re-ordination by the Congregational form, and this principle of ordination by the congregation itself became from that time a part of the ecclesiastical law of That Colony.<sup>5</sup> As far as ordination was concerned, Massachusetts Bay was logically Congregational, but in Plymouth Colony we find an entirely different condition. Even after the death of Robinson, when the congregation at Plymouth could hardly claim to be a part of the Leyden body, the church remained without a pastor, and although the defect was deeply regretted (Bradford 194) no effort to supply the defect by congregational ordination was made by the Pilgrim body.

NOTE 5.—The founding of Congregationalism in Massachusetts Bay is thus recorded by Prince in the *New England Chronology*: "July 20, 1629, Governor Endicot at Salem sets apart this Day for solemn Prayer and with Fasting, and the Trial and Choice of a Pastor and Teacher: the Forenoon they spend in Prayer and Teaching: the Afternoon about their Trial and Election; chusing Mr. Skelton Pastor, Mr. Higginson Teacher: and they accepting; Mr. Higginson, with 3 or 4 more of the gravest Members of the Church lay their Hands on Mr. Skelton with solemn Prayer: then Mr. Skelton &c the like upon Mr. Higginson." Francis Higginson was a graduate of Cambridge University, 1613, and was ordained clergyman of the Church of England. For reasons of conscience, he entered the non-conformist ministry. The Fathers of Massachusetts Bay did not attempt to be Church of England clergymen and Congregational ministers at the same time.



## THE RELIGIOUS AND LEGAL CONSTITUTION

The great stress laid by the Fathers upon the necessity of a "learned preaching ministry," shows how keenly this defect must have been felt. Yet until 1629, no minister was settled over the Pilgrim flock at Plymouth, and the first to hold that office in the Colony was an ordained clergyman of the Church of England.

Again, Dexter says of the authority of laymen to administer the Sacraments: "Scriptually, one of the Deacons or any brother of the Church, whom it may authorize for the purpose, is competent—in the absence of its Pastor—to baptize, or to preside at the remembrance of Christ in the Lord's Supper." At Plymouth exactly the opposite rule prevailed, and Robinson's letter to Brewster, in answer to one asking permission to administer the Sacraments, clearly denies that right: "I judge it not lawful for you—to administer them, nor convenient if it were lawful." (Bradford 200).

For the first nine years baptism was not administered nor was the communion celebrated and though the Pilgrims were not wanting in suitable men for the Ministry, notably Elder Brewster and Dr. Fuller, both men of education, no attempt was made to ordain a minister (for qualifications of Brewster and Fuller see Waddington 282-3), and the ministrations of Elder Brewster were confined to teaching and preaching, the ordinances of the Gospel being for that time entirely suspended. Under the Congregational theory, they had at hand the means to remedy the defect, but no effort was made to do so.<sup>6</sup>

NOTE 6.—No minister of religion officiated at the funeral services of the early settlers of Plymouth Colony, and the clergy were not authorized to perform the marriage service until November 4th, 1692, the year the two colonies of Plymouth and Massachusetts Bay were united. In 1657 the magistrates at Boston expressly forbade the clergy to officiate at marriages (see Goodwin, 596).



## *OF THE PILGRIM STATE*

During the first generation the Pilgrim church did not follow the Congregation rule as it finally developed, nor did Robinson and the Plymouth flock accept the logical conclusion of their position, but with the political confederation of the colonies in 1653, and ordination of Cotton, the Pilgrim church became as far as polity was concerned, a part of New England Congregationalism.







## The Polity of the Early Pilgrim Church

The first principle of the ecclesiastical polity of the Pilgrim church was that all authority in church government is vested in the local congregation itself, and not in a synod or council. We have seen that the Pilgrims at Plymouth hesitated in the matter of ordination to carry this principle to its logical conclusion.

Dr. Prince in *New England Chronology*, (1736), Part II., page 91, gives the following summary of Pilgrim ecclesiastical polity:

(1) "That no particular Church ought to consist of more Members than can conveniently Watch over one another and usually meet and Worship in one Congregation.

(2) "That every particular Church of Christ is only to consist of such as appear to Believe in and obey Him.

(3) "That any competent number of such, when their Consciences oblige them, have a Right to embody into a Church for their mutual Edification.

(4) "That this Embodying is by some certain Contract or Covenant either Expressed or Implied; tho' it ought to be by the Former.

(5) "That being Embodied, they have a Right of Chusing all their officers.

(6) "That the Officers appointed by Christ for this Embodied church are in some Respects of Three Sorts, in others but two, viz.:



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

(a) Pastors or Teaching Elders, (with the full authority of the pastoral or ministerial office as it is generally understood).<sup>7</sup>

(b) Meer (sic) Ruling Elders—who are to Help the Pastors in Overseeing and Ruling—a continual office, not Temporary. And being also qualified in some Degree to Teach, they are to teach only occasionally, thro' Necessity, or in their Pastor's Absence or Illness; but being not to give themselves to Study or Teaching, they have no need of Maintenance.

That the Elders of Both Sorts form the Presbytery of Overseers & Rulers which ought to be in every particular Church.——.

(c) Deacons, (as in Evangelical Churches today).

The power of the congregation, and the insistence that the Church is to consist of apparent believers only, is in marked contrast to the theory of Cranmer and the Church of England divines of the time that the Church included the whole nation. The pastor of a congregation was sometimes called "pastor," sometimes "elder," sometimes "teacher." Besides the pastor and the ruling elder, there were no other elders in the Pilgrim Church.

NOTE 7.—Congregational ordination conveyed no indelible character, the minister was ordained to the pastorate of a certain congregation, and the ministerial office ended with the pastorate. Hence the New England Pilgrim or Puritan minister might, without impropriety or sense of degradation of his office, enter upon secular employment after the termination of his pastorate (see Note 1).



## *OF THE PILGRIM STATE*

The following is the list of pastors of the First Church at Plymouth:

Rev. Ralph Smith, (ordained in the Church of England) 1629-1636.

Roger Williams, (assistant to Mr. Smith for a short period).

Rev. John Reynor, 1636-1654.

(No settled pastor for thirteen years).

Rev. John Cotton, son of the minister of First Church in Boston, 1667-1697.

Rev. Ephraim Little, 1697-1723.

Rev. Nathaniel Leonard, 1724-1756.

Rev. Chandler Robbins, 1760-1799.

From this time the record of the Church of the Pilgrim Fathers at Plymouth becomes a part of the history of New England Unitarianism.

By 1694 the church at Plymouth had asserted its full congregational authority by giving permission to members at Martha's Vineyard and Middleborough to form new churches and ordain their own ministers. Samuel Fuller, son of Dr. Fuller of the Mayflower, was ordained to that office at Middleborough, but died after a few months. The mention of him in the Plymouth Church records determines the identity of the office of pastor and teacher. (The word "minister" was not used as the general designation of pastors). "Also in this time (1695) Mr. Samuel Fuller, the Teacher of the chh at Midlebury a sincere Godly man who wee had the last yeare dismissed to that service, dyed August 24: being 66 yeares old." The writer has copied the inscription on the gravestone of the first pastor of Middleborough: "Rev. Samuel Fuller, First Min-



## THE RELIGIOUS AND LEGAL CONSTITUTION

ister of the Church in Middleboro, died 17 August 1695, aged 70 years.''' The lack of accuracy of the clerk in giving the age and date of death is characteristic of early church records in the colony, and the title minister is not used in the records—the present gravestone is modern.

The office of Ruling Elder seems an anomaly in the Pilgrim Church, and is declared by Dexter contrary to Congregational polity, (*Congregationalism* 110 et seq.), and Dexter further says the Pilgrims hesitated to commit themselves to that democracy which would throw the whole responsibility of the affairs of the Church, under Christ, upon the entire membership, (*Congregationalism* 122). Three only held this office in the Pilgrim Church, Elder Brewster, Elder Cushman and Elder Faunce, the office becoming extinct with the death of the latter.<sup>8</sup> The office of

NOTE 8.—Elder Brewster died 16 April, 1664, in his 84th year. He was educated at Cambridge University and spent his early years in the service of William Davison, ambassador of Elizabeth to Scotland and Holland. His library was appraised as of the value of 43 Pounds and contained 275 volumes, of which 64 were in the learned languages.

Elder Cushman, successor of Elder Brewster, died in 1691, at the age of 84. He married Mary Allerton, who died in 1699, at the age of 90. Thomas Faunce, the third and last of the Ruling Elders of the Pilgrim Church, died 27 February, 1746, at the age of 99 years. The members of the family were remarkable for longevity. Patience, sister of the Elder, died at Salem when more than one hundred years of age. She recalled of her own knowledge that King Philip's skull was exposed on a pole at Plymouth for more than twenty years, and that a pair of wrens built their nest in it season after season (*Goodwin*, 468). A daughter of the Elder, also named Patience, died at New Bedford in 1779 at the age of one hundred and five years and six months. Of the Mayflower passengers, the following died at an advanced age: John Howland, died 24 February, 1673, aged 80; Elizabeth Warren, wife of Richard, died 2 October, 1763, aged 90; John Alden, died 12 September, 1687, aged 89; Elizabeth Tilley, wife of John Howland, died 1687, aged 81. Others of the first comers lived far beyond the average of hu-



## OF THE PILGRIM STATE

Deacon survives in the orthodox churches of Pilgrim descent, but has become obsolete in the Unitarian body. Another office, omitted by Prince, existed for a time in Holland, but was never adopted by the church at Plymouth, namely, that of deaconess. In Governor Bradford's Dialogue (Young 455) the ancient widow who filled that office is described as sitting in a convenient place in the congregation, with a little birchen rod in her hands, and keeping the little children in great awe from disturbing the congregation. She also visited the poor and assisted in general parish work, "obeyed as a mother in Israel and an officer of Christ." In the Church records of Plymouth a notice of the death of Mary Carpenter, sister of the wife of Governor Bradford, suggests vestige of the office of dea-

man life. Alice Bradford, wife of the Governor, died 26 March, 1670, aged 80; Thomas Tupper of Sandwich, died 28 March, 1676, aged 98; Ann Tupper, of the same, died 4 June, 1676, aged 90; Priscilla Cooper, sister of Governor Bradford's wife, mentioned above, died 1679, aged 91; Dorothy Brown, of Swansea, wife of John, died 1675, aged 90; Phineas Pratt, died 19 April, 1680, aged 90; Deacon Robert Finney, died 7 January, 1687, aged 80; Mary Carpenter, sister to Governor Bradford's wife, died 1683, aged 90 (she is called in the Church records a "godly old maid"); Experience Mitchell, died 1689, aged 80; Anna Lettice, wife of John, died 3 July, 1687, aged 81; Samuel Eddy, died 1688, aged 87; George Watson, died 31 January, 1688, aged 87; John Thompson, of Middleborough, died 16 June, 1696, aged 80; Mary, his wife, died 21 March, 1714, aged 88; William Peabody, died 13 December, 1707, aged 88; his wife, Elizabeth Alden, "Betty Alden," daughter of John and Priscilla, died 31 May, 1717, aged 94; John Rogers, died 28 June, 1732, aged 92; James Pitney, of Marshfield, died 1663, aged 80; Phebe Finney, of Plymouth, died 9 December, 1710, aged 92; Thomas Clark, died 1697, aged 98; Elizabeth Eddy, of Swansea, died 24 May, 1689, aged 82; Richard Wright, died 9 June, 1691, aged 83; George Bonum, died 28 April, 1704, aged 95; Samuel King, died 1705, aged 90; James Cole, died 1709, aged 85; Hope Nelson, wife of Thomas Nelson, died 7 December, 1782, aged 105; Deacon John Doane, of Eastham, died 1707, aged 110 (see Russell, 201).



## THE RELIGIOUS AND LEGAL CONSTITUTION

coness: "She was a Godly old maid never married." (Died March 19-20, 1687, aged 91).

We are fortunate in having, from different sources, two pictures of the worship of the Pilgrims at Plymouth, one from the pen of Isaack De Rasieres, representative of the Dutch West India Company, established at Manhattan, now New York; the other, a description of a visit to Plymouth of Governor Winthrop of Massachusetts Bay Colony. After his visit to Plymouth in 1627, De Rasieres wrote a letter to one of his employers containing a minute description of Plymouth, which we have, the following is an extract:

"Upon the hill they have a large square house, with a flat roof, made of thick sawn planks, stayed with oak beams, upon the top of which they have six cannons, which shoot iron balls of four and five pounds, and command the surrounding country. The lower part they use for their church, where they preach on Sundays and the usual holidays. They assemble by beat of drum, each with his musket or firelock, in front of the captain's door; they have their cloaks on, and place themselves in order, three abreast and are led by a sergeant without beat of drum. Behind comes the Governor, in a long robe; beside him, on the right hand, comes the preacher with his cloak on, and on the left hand the captain with his side-arms and cloak on, and with a small cane in his hand, and they march in good order, and each sets his arms down near him. Thus they are constantly on their guard night and day."

(Russell 143)

Governor Winthrop, in company with Pastor Wilson of the Boston church and others, visited Plymouth in November of 1632, and assisted at the Sabbath services. An interesting feature of the occasion was that the sermon was preached by Roger Williams who had left Massachusetts Bay after a controversy with the Governor and Pastor whom he now addressed. Goodwin suggests that the occasion was not altogether pleasing to the visitors.



## OF THE PILGRIM STATE

“On the Lord’s day in the afternoon (the Lord’s Supper was celebrated in the forenoon), Mr. Roger Williams, according to their custom, propounded a question, to which the pastor, Mr. Smith, spake briefly; then Mr. Williams prophesied (preached); and after the governor of Plymouth spoke to the question; after him the elder; then two or three more of the congregation. Then the elder desired the governor of Massachusetts and Mr. Wilson to speak to it, which they did” (Young 419, note).. Finally Deacon A. Fuller reminded the people of the duty of giving and the people offered their contributions.

In the first days of Pilgrim history all members of the community were also members of the church, but as the colony in the New World, grew in numbers, a large majority of the men, and some women, did not formally make a profession of religion, or become admitted to the visible body of the church. Goodwin says not one in four in Massachusetts were church members, and in later years in Plymouth the ratio was even smaller. In 1697 the number of church members in Plymouth township was forty two men and seventy five women, making a total of one hundred and seventeen, (Church Records in Mayflower Descendant, 1913, No. 4, p. 224). As the town was always retarded in growth, and many removed as new towns sprang up in the united Colony of Massachusetts of which, after 1692, Plymouth became a part, the estimated population in 1701 placed by Russell at 1,206, gives grounds for a fair conclusion that the white population at the time of the church census, 1697, was not less than 1,000; of whom only 117 were church members. The whole body of citizens, however, members and non-members, was taxed for the support of public worship, and was vested with the administration of Church property and from this general



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

body, the overwhelming majority of whom were not members, the legal corporation grew up known as the "Society."<sup>9</sup>

The authority of the church was purely spiritual, including the right to examine the qualifications of applicants for membership, to elect and ordain officers and administer discipline. But the society owned the property, and had charge of all financial matters, including fixing the salary of the pastor. The church called the pastor, but this was not valid until endorsed by the society. Practically, no pastor could come or remain without the consent of this secular corporation, and if the society became Unitarian, the church, having no title to the property, was compelled to abandon the church building and seek a new place of worship. In New England at the Unitarian upheaval there were eighty one cases in which the church was ousted by the society, and the sum of \$600,000 left behind by the excluded churches was the cause of bitter litigation. In a few cases the church, composed of the professed believers in Christ, became Unitarian, while the society, composed in a large majority of non professing laymen, remained firm in the old orthodox faith; in that case the unorthodox church members were put out by the orthodox non professors. The first case in which both church and society became Unitarian was at Plymouth in 1800, when the First Church of the Pilgrim Fathers embraced the new theology. (Goodwin 606).

NOTE 9.—The "minister tax," of 1658, met with opposition from the first. Dr. Fuller, son of Edward the Pilgrim, was fined fifty shillings for denouncing the law, saying that it was "a wicked and devilish law enacted while the devil sat in the stern." In 1669 Arthur Howland was brought before the Court for failure to pay his minister tax.











## The Theology of the Pilgrim Church

The subject divides itself into two heads: (1) the period of the sojourn in Holland, (2) the development at Plymouth.

The theology of the independent congregation at Leyden was that of the pastor, John Robinson, not the extravagance of the other separatist congregations in Amsterdam and England, each independent of the other, and following leaders of conflicting opinions. The Pilgrims must not be held responsible for the extremes of the other bodies of separatists.

At the time of the effort to obtain royal sanction for the proposed migration to America, The Seven Articles signed by Robinson and Brewster place their belief upon a broad and charitable basis, and is in marked contrast to the extravagances of those who held that the old faith was entirely, at least in administration, anti-christ. In 1571 the congregation of Richard Fitz (executed under the laws against non-conformity) set forth a statement of their faith: "We whom God hath separated from the churches of England, and from the mingled and false worship therein used; out of the assemblies the Lord our only Saviour hath called us—saying, 'come out from among them, and separate yourselves from them, and touch no unclean thing,' (2 Cor. vi, 17, 18.)—Some of the clergy, through their pomp and covetousness, have brought the gospel of our Saviour Jesus Christ into such slander and contempt, that men do think, for the most part, that the papists use and hold a better religion than those which call them-



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

selves Christians, 'and are not but do lie.' Rev. iii. 9. The Holy Ghost saith 'I beheld another beast coming out of the earth, which had two horns like the Lamb.' So this secret and disguised Antechrist, to wit, this canon law'' (Waddington 18). This is a typical expression of the separatists opinion of the time, and doubtless these words and applications of Scripture are the products of long continued injustice and oppression, but in spirit they are entirely different from the charity shown in the document signed by Robinson and Brewster of the Pilgrim band forty-six years later:—

Seven articles which the church of Leydèn sent to the council of England, to be considered of in respect of their judgments occasioned about their going to Virginia:

1. To the confession of faith published in the name of the church of England, and to every article thereof we do, with the reformed churches where we live, and also elsewhere assent wholly.

2. As we do acknowledge the doctrine of faith there taught, so do we the fruits and effects of the same doctrine, to the begetting of saving faith in thousands in the land (conformists and reformists), as they are called, with whom also, as with our brethren, we do desire to keep spiritual communion in peace, and will practice in our parts all lawful things.

3. The king's majesty we acknowledge for supreme governor in his dominions, in all causes and over all persons——if the thing commanded be not against God's word, or passive if it be, except pardon can be obtained.

4. We judge it lawful for His Majesty to appoint bishops, civil over seers, or officers in authority under him,



## OF THE PILGRIM STATE

in the several provinces, dioceses, congregations, or parishes to oversee the churches, and govern them civilly, according to the laws of the land——.

5. The authority of the present bishops in the land we do acknowledge——and as they proceed in his name, whom we will also therein honor in all things, and him in them.

6. We believe that no synod, classes, convocation, or assembly of ecclesiastical officers hath any power or authority at all, but as the same by the magistrate given unto them.

7. Lastly, we desire to give unto all superiors due honor to promote the unity of the spirit with all that fear God, to have peace with all men, what in us lieth, and wherein we err to be instructed by any.

Subscribed by

John Robinson and William Brewster.

(Waddington 201).

It is to be noted that the document signed by Robinson and Brewster refers to the Articles of Religion rather than to the creeds of the Church of England, but the recognition of the authority of the king as the source of ecclesiastical authority does not differ from the Anglicanism of the time or of two centuries following.<sup>10</sup>

NOTE 10.—The Pilgrim and Puritan congregations had no creed or universally accepted symbol of belief. Each congregation formulated its own covenant, with some statement of belief, but the historical creeds have no place in the teaching of the early Congregational churches of Plymouth and Massachusetts Bay. Practically this was true of the Church of England at this time—Anglican, Pilgrim and Puritan alike considered the Articles “the confession of faith published in the name of the Church of England.”



## THE RELIGIOUS AND LEGAL CONSTITUTION

In Robinson's Farewell Address, (Winslow's Brief Narration, Young 396), he tells the departing Pilgrims to follow him no further than the words of Christ, to be ready to receive truth from any source, and that "he was very confident the Lord had more truth and light yet to break forth out of his holy word." He lamented that the Reformed Churches would go no further than the instruments of their reformation, that the Lutherans go no further than Luther, and that the Calvinists stick where he left them; "a misery much to be lamented; for though they were precious shining lights in their times, yet God had not revealed his whole will to them; and that were they living they would be as ready and willing to embrace further light, as that they had received."—He reminded them of their church covenant, at least that part of it whereby they promise and covenant with God and one another, "to receive whatsoever light or truth shall be made known to us from his written word."

At Leyden in his public dispute against the Arminians Robinson stood firmly on the orthodox side (Bradford 28), but he was liberal beyond his age, and his letters breathe the spirit of evangelical charity. "God forbid," he says, "I should need to exhort you to peace, which is the bond of perfection, and by which all good is tied together, and without which it is scattered. Have peace with God first, by faith in his promises, good conscience kept in all things, and oft renewed by repentance; and so, one with another, for his sake, who is though three, one; and for Christ's sake who is one, and as you are called by one spirit to one hope." (Bradford's Letter Book 23.)<sup>11</sup>

NOTE 11.—Pastor Robinson, writing to the Plymouth Church in 1625, and St. Francis de Sales (died 1622, aged 56),



## OF THE PILGRIM STATE

The theology of the Pilgrim church in Holland was, Calvinistic, as opposed to Arminianism, but liberal beyond its day, and the Pilgrims looked to the future rather than to the authority of the past for the final word of revelation.

At Plymouth the investigation of the theology of the Fathers becomes more difficult (and interesting) because of the absence in the early days of church records, published sermons or even a confession of faith. That a great change in the theological outlook took place before the last of the Pilgrims died is the final purpose of this section to illustrate, and in the absence of distinctly religious documents, we must proceed by showing from the secular history of the Colony clearly defined contrasts which establish the truth of our conclusions.

In the spring of 1623, Captain Myles Standish with his army of eight men, put down by severe measures a conspiracy of Indian chiefs, meeting them in open combat at Wessagussett, the present Weymouth, and killing with his own hand two of the leaders. The measures were severe according to our ethical standards, but Standish, whose conduct toward the Indians was reprehensible, saved the lives of the 60 colonists at Weymouth, as well as the Pilgrim settlement at Plymouth by his prompt action. On the following December Robinson wrote Bradford a letter somewhat in the tone of the modern pacifist perhaps,

in the "Introduction to the Devout Life," show the same understanding of the interior teachings of Christianity. The above quoted passage from Pastor Robinson is unsurpassed in the literature of Pilgrim or Puritan, and equals the dignity of St. Francis, whose Devout Life is worth more than all the religious writings of Pilgrim and Puritan put together.



## THE RELIGIOUS AND LEGAL CONSTITUTION

but nevertheless the communication breathes the spirit of the New Testament::

“Concerning ye killing of those poor Indeans, of of which we heard at first by reporte, and since by more certaine relation, oh! how happy a thing had it been, if you had converted some, before you had killed any; besides, wher bloud is onc begune to be shed, it is seldom stanchd of a long time after. You may say they deserved it. I grant it; but upon what provocations and invitments by those heathenish Christians? Besids, you, being no magistrate over them, were to consider, not what they deserved, but what you were by necessitie constrained to inflicte. Necessitie of this, espeially of killing so many, (and many more, it seems, they would, if they could,) I see not. Methinks on or tow principals should have been full enough, according to that approved rule. The punishment to a few, and ye fear to many. Upon this occasion let me be bould to exhorte you seriously to consider of ye dispossession of your Captaine, whom I love, and am perswaded ye Lord in great mercie and for much good hath sent you him, if you use him aright. He is a man humble now and meek amongst you, and towards all in ordinarie course. But if this be meerly from an humane spirite, ther is cause to fear that by occasion, espetially of provocation, ther may be wanting yt tenderness of ye life of man (made after Gods image) which is meete. It is also a thing more pleasing glorious in mens eyes, than pleasing in Gods, or conveniante for Christians, to be a terrour to poore barbarous people; and indeed I am afraid least, by these occasions, others should be drawne to affect a kind of rufling course in the world.” (Bradford 197)

The rebuke must have been hard for the heir of the house of “Standish of Standish” to bear, and it is pleasing to look forward thirty-two years, when the old Captain wrote, in his last painful sickness, a clause in his will remembering a little girl on Cape Cod, the granddaughter of the long dead Pilgrim pastor: “I give three pounds



## OF THE PILGRIM STATE

to Mercy Robinson, whom I love tenderly for her grandfather's sake.'<sup>12</sup>

It is painful to turn from the words of Robinson, to the utterances of the leaders of thought in Plymouth and Massachusetts Bay Colonies at the close of King Philip's War in 1676. The Rev. Dr. Increase Mather says the colonists prayed a bullet into Philip's heart. "We have heard," he says, "of two and twenty Indian captains, slain all of them, brought down to hell in one day." When a bullet dashed out the brains of a blaspheming chief, Mather says "his cursed soul was in a moment sent amongst the devils and blasphemers in hell forever." Twenty-four years after, Mather took off the jaw from Philip's exposed head at Plymouth, and he gloats over the hand which performed the barbarous act. (Thacher 391). While Mather was not of Plymouth Colony,<sup>13</sup> his

NOTE 12.—The Mayflower brought to Plymouth the younger and stronger of the Leyden congregation. It was a migration of young people, and the popular representation of the aged Elder and his venerable companions is misleading. Elder Brewster was 55, Standish 36, Bradford 35; of the total number of passengers eighteen were women, nine were servants, probably minors; thirty-three were children, of whom twenty-two were boys and eleven girls (see "Mayflower Descendants in Cape May County," page 71). Pastor Robinson did not join the Pilgrims at Plymouth and died at Leyden in 1625, the sad news of his death being brought from England by Myles Standish upon the Captain's return from a voyage made in the interest of the Pilgrim Colony.

Isaac Robinson, son of the pastor, came to Plymouth in 1631 and subsequently removed to Cape Cod. He married in 1636 Margaret Handford, and had the following children: John, Isaac, Israel, Jacob, Susanna, Fear and Mercy, the latter mentioned in the will of Standish.

NOTE 13.—Richard Mather, father of Increase, came to Boston in the ship "James," in 1635, and became pastor at Dartmouth, where he died in 1669. He married the widow of the Rev. John Cotton, and his son Increase married her daughter. The son of this marriage was named Cotton Mather.



## THE RELIGIOUS AND LEGAL CONSTITUTION

expressions are in keeping with the conduct toward the Indian prisoners of the Pilgrim descendants and successors at Plymouth. At the Pilgrim town the question of the disposal of the innocent son of Philip was referred to the advice of the clergy. The Rev. Mr. Cotton of Plymouth, and the Rev. Mr. Arnold of Marshfield, both agreed that the boy shared in the guilt of his father, and might be "adjudged to death, as to us seems evident by the scripture instances of Saul, Achan, Haman." Mather, of course, approved of his execution, and advises what course David would have taken, had he caught Hadad, whom he calls the son of the Chief Sachem of the Edomites.

A bright spot in the darkness of the time is found in the opinion of the Rev. James Keith, of Bridgewater, who in a letter to Cotton counsels humanity, finding difficulty, at that time of belief in literal inspiration, with Psalms 137:8, 9. No quotation or reference to the New Testament is made by either of the four ministers mentioned.

On September 15, 1682, Cotton Mather wrote the following letter to "ye Aged and Beloved Mr. John Higginson:

"There is now at sea a ship called the *Welcome*, which has on board an hundred or more of the heretics and malignants called Quakers, with W. Penn, who is the chief scamp, at the head of them.

"The general court has accordingly given secret orders to Master Malachi Huscott, of the brig *Porpoise*, to waylay the said *Welcome*, slyly, as near the Cape of Cod as may be, and make captive the said Penn and his ungodly crew, so that the Lord may be glorified, and not mocked on the soil of this new country with the heathen worship of these people. Much spoil can be made by selling the whole lot to Barbadoes, where slaves fetch good prices in rum and sugar, and we shall not only do the Lord great service by punishing the wicked, but we shall make great good for his minister and people.

"Master Huscott feels hopeful, and I shall set down the news when the ship comes back.

"Yours in ye bowels of Christ,

COTTON MATHER."



## OF THE PILGRIM STATE

The boy was finally sold into slavery, the opinion of the laity probably being more liberal than that of the clergy.

“The question thus seriously agitated would not, in modern times, occur in any nation in christendom. Principles of public law, sentiments of humanity, the mild influence of the gospel, in preference to the Jewish dispensation, so much regarded by our ancestors in their deliberations and decisions, would forbid the thought of inflicting punishment on children for the offences of a parent.” (Judge Davis, quoted in Thacher 397, date 1835.)

The view point had entirely changed since the time of Robinson, Brewster, Bradford and Standish, and the religion of Plymouth was now that of the Old Testament, rather than that of the gospel of Christ.

In 1624 a clergyman of the Church of England, the Rev. John Lyford, was sent by the Adventurers to fill the pastoral office at Plymouth. Like the first clergymen at Massachusetts Bay, he was willing to repudiate his ordination, and submit to re-ordination at the hands of the lay members of the Pilgrim congregation, but the Pilgrims did not require this, and accepted him on trial as a candidate for the ministerial charge. It soon developed that the pretended convert was a spy in the service of the enemies of the Colony, and was utterly unworthy of the pastoral office. In open court, before the whole colony, he was convicted of intercepting official correspondence of the colony, and aiding an attempt to discredit and overthrow the Pilgrim undertaking. The evidence was so conclusive that the Pilgrims were justified in the sentence of expulsion from their number. Moved, however, by consideration for his wife and four children, the discredited clergyman was allowed to remain for six months and in the mean



## THE RELIGIOUS AND LEGAL CONSTITUTION

time made a public confession of his misconduct.

“That he had don very evill, and slanderously abused them; and thinking most of ye people would take parte with him, he thought to cary all by violence and strong hand against them. ————and if God should make him avcacabund in ye earth, as was Caine, it was but just, for he had sined in envie & malice against his brethren as he did.” (Bradford 220).

The developments of the next few weeks show the religious character and evangelical charity of the Pilgrims in a striking degree. Not only was Lyford's repentance accepted by the congregation, but he was received again as a member, and permitted to exercise the pastoral office, “admitting to teach among them as before,” Deacon Fuller and others being ready to fall upon their knees to have his censure removed.

A second time the unworthy minister was convicted of conspiring against his protectors, and evidence of immoral conduct was added, yet the Pilgrims continued to support him and his family during the winter.<sup>14</sup>

The text, “How oft shall my brother sin against me, and I forgive him?” (Matt.18:21,) was never taken more literally than by the Fathers at Plymouth, and the motive of their treatment of Lyford is founded upon the teachings of the New Testament.

NOTE 14.—Lyford's letters accused the Pilgrim Church of refusing to allow those who differed from the accepted standards of belief of the Pilgrims to live among them. “If ther come over any honest men that are not of ye separation they will quickly distaste them; the church would have none to live hear but themselves” (Bradford, 221). Bradford asserted in his answer the liberal attitude of Plymouth. “They willing & desirous yt any honest men may live with them—they had many of them (not of the separation) that thev liked well of, and were glad of their company; and should be of any such like that should come amongst them (Bradford, 213).



## OF THE PILGRIM STATE

Grave offences against society and religion had broken out in Massachusetts Bay by 1642, and Bradford writes with sorrow that at Plymouth the death penalty was, in one case, administered for an offence of this nature. Governor Bellingham of Massachusetts, in this situation, requested the opinion of the ministers of Plymouth Colony as to the justification of the extreme penalty. The replies of the Rev. John Raynor, Plymouth, Rev. Chas. Chauncy, Situate, and the Rev. Ralph Partridge, Duxbury, are given in Bradford's History, and the quotations from the Scriptures illustrate the theological opinions of the time. Mr. Raynor's answer contains 21 quotations from the scriptures, 19 from the Old Testament, 2 only from the New. Rev. Mr. Chauncy's answer includes 41 quotations, 36 from the Old, 5 from the New Testament. Rev. Mr. Partridge does not in his 5 quotations include one from the New Testament.

The references to the New Testament, are a confirmation of the Levitical law, without appeal to the special teachings of Christ. The ministers quoted were not of Pilgrim stock, but were of English Puritan training.

After the death of Bradford, Standish and Brewster, the laws grew more severe until in 1659, fines were imposed for neglect of public worship and for attending Quaker meetings or giving shelter to a foreign Quaker. Enough of the old liberal sentiment prevailed, however, so that the illiberal laws were not rigidly enforced, and the constables connived at the efforts of citizens who sought to protect their Quaker neighbors. (Goodwin 487). It is painful to write that the romantic John Alden became one of the foremost in enforcing the severe laws, and the reason of his decline from liberality is found in the fact that he had not in his youth come under the liberalizing



## THE RELIGIOUS AND LEGAL CONSTITUTION

influence of the sojourn in Holland, having joined the Pilgrim band on the English coast. The strictness and severity of Plymouth Colony came from the Puritans of England and Massachusetts Bay, until with the passing of the old Pilgrim leaders, the liberality of the Pilgrim was superseded by the sternness of the Puritan.<sup>15</sup>

The change in the religious point of view is further illustrated by the Christian or "given" names of the succeeding generations of Pilgrim descendants. Of the original 104 Mayflower passengers, a few only bore Old Testament names; 14 bore the name of John, 8 William, 4 Thomas—besides names of local import, like Peregrine and Oceanus, they are the familiar pre-puritan names of England: Francis, Edward, Peter, James, Stephen, Henry, Bartholomew, Robert, Myles, Richard, Edmund, Christopher, Joseph, Roger, Gilbert, Gyles, Degory, with the Samuels of the Fuller family, and Isaac, Moses and Solomon appearing once each. "Wrestling" and Love Brew-

NOTE 15.—The clergy of Massachusetts Bay were intolerant from the first. Upon their arrival William Blackstone was the sole inhabitant of the present site of Boston. He was a graduate of Emmanuel College, Cambridge, and an ordained clergyman of the Church of England who had left his native country to escape the tyranny of the lords-bishops. After the arrival of the Puritans he left Boston "to escape the tyranny of the lords—brethern."

John Cotton, the Puritan pastor at Boston declared that the first colonists of Massachusetts Bay did not separate from the Church of England—"neither was our departure from the parishional congregations in England a separation from them as no churches, but rather a secession from the corruptions found among them." Cotton was no friend of democracy, and in 1636 wrote to Lord Say: "Democracy I do not conceive that ever God did ordain as a fit government, either for church or commonwealth. If the people be governors who shall be the governed." No autocracy was ever more absolute than that of the rule of the ministers and magistrates of Massachusetts Bay.



## OF THE PILGRIM STATE

ster and "Resolved" White, seem the only distinctively Puritanical names in the list.

Of the women, Mary and Elizabeth appear most often and the favorite names of old England: Eleanor, Sarah, Constance, Alice, Priscilla, Susanna, Dorothy, Katharine, Desire, Ellen, Rose, Ann, with Remember, daughter of Isaac Allerton.

Bradford's children were named William, Mercy (Mary) and Joseph. Four of his grandchildren bore the names Israel, Ephraim, David and Hezekiah. John Alden and Priscilla Mullins had four sons whose names were John, David, Joseph and Jonathan. In the next generation we find the names, Benjamin, Samuel, Andrew, Jonathan and John, and in the following generation, David, Bezaliel, Wrastling and Abiather. Sarah Standish, grand daughter of Captain Myles of the Mayflower, (and also of John Alden) married Benjamin, grandson of the Pilgrim George Soule, their children were named, Zachariah, Benjamin, Ebenezer, Hannah and Sarah; in the next generation, we find Zachariah and Jabez, the latter name continued to the time of the early boyhood of the writer. The names Ichobod and Shadrach appear among the succeeding Standishes, and Zephaniah, Obediah, Zebadiah, Zadok, Abel, Eliab, Bezaleel, are taken from the memory of a long list common in Plymouth County until the last generation. After the death of the first and second generations, the people of the Pilgrim Colony towns lived in thought and theology in the atmosphere of the Old Testament.<sup>16</sup>

NOTE 16.—In no part of America have the Old Testament names been continued down to the present as among the Pilgrim descendants in Cape May County, New Jersey. While in



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

On the occasion of a solemn fast in 1676, a covenant was read at a meeting of the Church of Plymouth, and ordered to be left on record "as that which they did own to be the substance of that covenant which their fathers entered into at the first gathering of the church," which was in the words following:

"In the name of our Lord Jesus Christ, and in obedience to his holy will and divine ordinances, we, being by the most wise and good providence of God, brought together in this place, and, desirous to unite ourselves into one congregation or church, under the Lord Jesus Christ, our Head, that it may be in such sort as becometh all those whom he hath redeemed and sanctified to himself, we do hereby solemnly and religiously, as in his most holy presence, avouch the Lord Jehovah, the only true God, to be our God, and the God of ours, and do promise and bind ourselves to walk in all our ways according to the rule of the Gospel, and in all sincere conformity to his holy ordinances, and in mutual love to, and watchfulness over, one another, depending wholly and only upon the Lord our God to enable us by his grace hereunto" (Russell 196).

Compared with the ancient statements of faith the Covenant is limited and vague, and does not declare the doctrine of the Trinity (or make mention of that teaching), while the Calvinistic doctrine of Election seems clear. As a covenant the declaration was not intended to be a full statement of faith, and it would be a mistake to say that the foundation of New England Unitarianism lay in the

Plymouth County the old names have fallen into disuse, in Cape May the prophets and heroes of Israel are still living among the Jeremiahs, the Shamgars, the Reubens, the Memucans and Judiths of the present generation (see genealogy in "Mayflower Descendants in Cape May County").



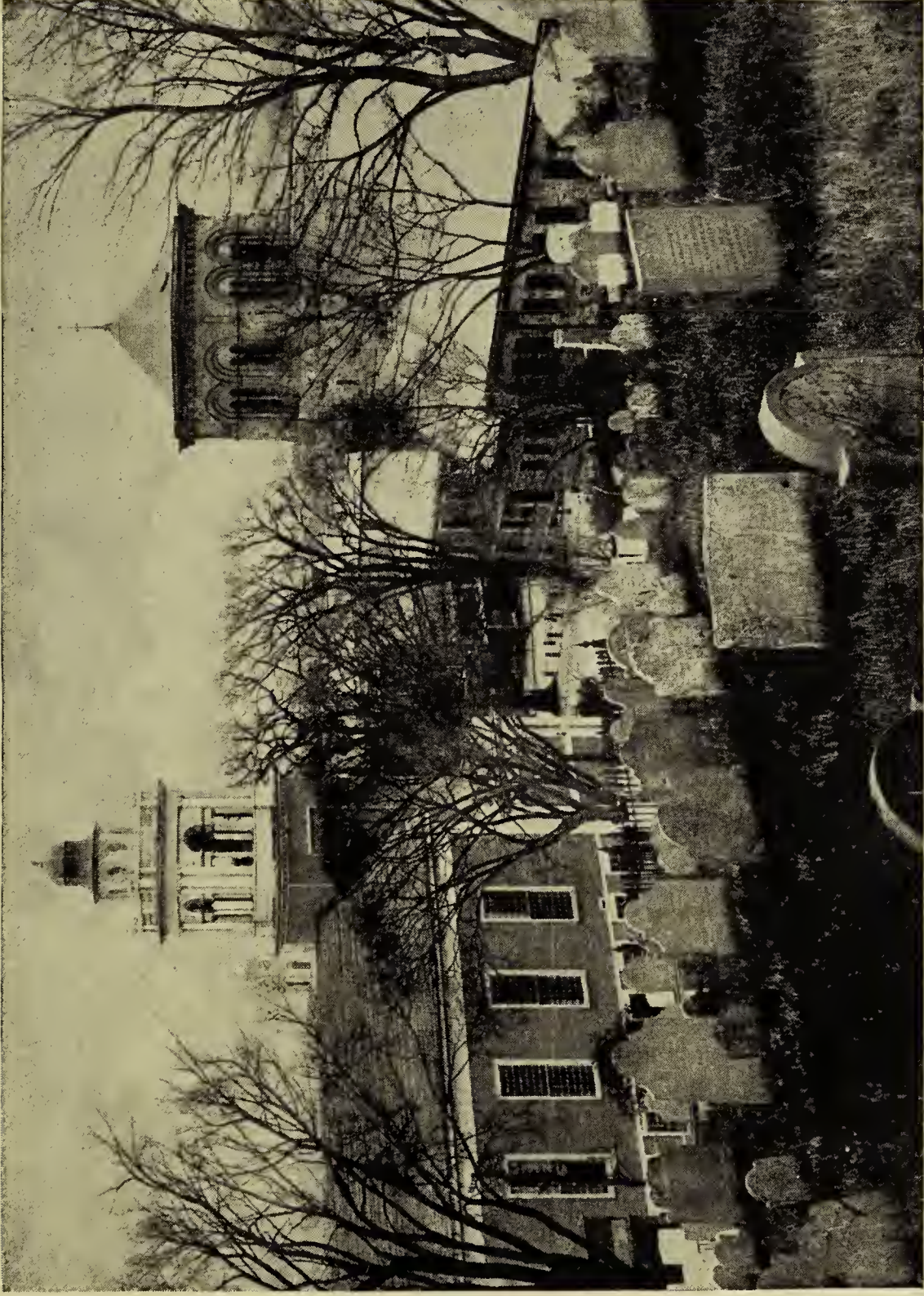
## *OF THE PILGRIM STATE*

indefiniteness of the Pilgrim covenant. King's Chapel in Boston embraced the Unitarian doctrines in 1785, fifteen years before the First Church of Plymouth made that change. Nevertheless the Covenant is unsatisfactory as a statement of Christian belief, and the instability of the Pilgrim church was undoubtedly due to the lack of definiteness in its doctrinal statements. Yet this very indefiniteness was consistent with Robinson's teaching that more light and truth were to break forth from the sacred Scriptures. Politically, the Pilgrim's journey came to an end at Plymouth—Religiously, his pilgrimage never came to an end—he was ever seeking "New Light."









*Published by permission of A. S. Burbank*

**OLD BURIAL HILL, PLYMOUTH**

**Tower at the right is the first church of the Pilgrims**







The Laws of Plymouth  
Colony







## The Laws of Plymouth Colony

---

The scope of the subject of this division, the Laws of Plymouth Colony, extends from the signing of the Compact in the cabin of the Mayflower, November 21, 1620, New Style, to the final meeting of the Board of Assistants, April 15, 1692, when the Colony of Plymouth became merged in the royal province of Massachusetts. The purpose of this division to present a general view of the legislation and decisions of the Pilgrim Colony, and while this may seem an ambitious undertaking in a few pages, yet the legislation is so fragmentary, and the records so late in opening, that it is possible within the limits of this section to present a digest of the subject. The independent life of the Colony was short, and it is interesting to note that one of the Pilgrim band outlived the Colony. Mary Allerton, who married Elder Thomas Cushman, was a child of eleven years when the Mayflower came to anchor in the New World, and was still living when the Colony, after its seventy-two years of existence, came to an end, (died 1699, aged ninety years.)

The subject is of great interest as throwing light upon the character of the Pilgrims and early settlers of Plymouth Colony, whose history in its first period is largely obscured by myth and legend—clears up many unjust charges of intolerance, and reveals the unreliable nature of much that has been written and is now taught. The oft quoted saying, attributed to Bishop Williams of Connecticut, “the Pilgrims first fell upon their knees, and then upon the aborigines,” is proved unjust and prejudiced in the light of the facts of the legal history of the Colony, and the subject has a deep interest.

In 1660 the General Court of the Colony fined Ar-



## THE RELIGIOUS AND LEGAL CONSTITUTION

thur Howland, nephew of the Pilgrim John Howland, five pounds for paying his addresses to Elizabeth Prence without her father's permission. There is a special romantic interest attached to this case as Elizabeth Prence's father was governor of the Colony at the time, and showed great severity toward the Quakers, whose cause had been espoused by the Howland family.<sup>1</sup> Seven years later the young man was again brought before Governor Prence and the Court because he had "disorderly and unrighteously endeavored to obtain the affections of Mistress Elizabeth Prence," and was put under bonds of fifty pounds "to refrain and desist." The Court was held in July but before the following spring, the two were united in marriage, in spite of the Governor's former opposition. Brigham, in the introduction to his work, "The Compact, Charter and Laws of the Colony of New Plymouth," remarks that previous to 1636 few laws were made, and still fewer put on record. The law forbidding a suitor to pay his addresses to a young woman without her father or guardian consenting was unquestionably a custom and a part of the *lex non scripta* of the Colony from the earliest days, and was recorded as early as 1638.

The existence of law in question shows the improbability of the story of Longfellow's poem, "The Courtship

NOTE 1.—Arthur Howland, Sr., father of the husband of Elizabeth Prence and brother of Henry (both brothers of the Pilgrim John, but not of the number of Pilgrim passengers) were in trouble on more than one occasion because of their liberal attitude toward Quakers, and were not only sympathetic with them, but were probably of that religious body. Within the present generation there were living in southern New Jersey descendants of Henry, who still remained in the faith of the Quakers.

In 1657 Henry was brought before the Court for harboring non-resident Quakers, and two years later was disfranchised for similar acts. In the next year he was fined for non-attendance at public worship. His son, Zoeth, continued the



## OF THE PILGRIM STATE

of Myles Standish''; in fact, it is undoubtedly a pure myth from beginning to end. The genesis of the myth is found in the Rev. Timothy Alden's Collection of American Epitaphs, published in 1814, an age when Bradford's manuscript was lost, and far less was known of the Pilgrims and their customs and laws than we at this age know. The legend as amiably told by the clergyman is as follows:

"In a very short time after the decease of Mrs. Standish, the captain was led to think, that if he could obtain Miss Priscilla Mullins, a daughter of Mr. William Mullins, the breach in his family would be happily repaired. He therefore, according to the custom of those times, sent to ask Mr. Mullin's permission to visit his daughter. John Alden, the messenger went and faithfully communicated the wishes of the captain. The old gentleman did not object, as he might have done on account of the recency of Captain's Standish's bereavement. He said it was perfectly agreeable to him, but the young lady must also be consulted. The damsel was called into the room, and John Alden, who is said to have been a man of most excellent form, with a fair and ruddy complexion, arose, and, in a very courteous and prepossessing manner delivered his errand. Miss Mullins listened with respectful attention, and at last, after a considerable pause, fixing her eyes upon him with an open and pleasing countenance, said, 'prithee John why do you not speak for yourself.' He blushed and bowed, and took his leave, but with a look which indicated more than his diffidence would permit him to express. However he renewed his visit, and it was not long before their nuptials were celebrated in ample form." (Quoted in Thacher 156).

To avoid an unromantic situation Longfellow represents John as paying his vicarious addresses directly to liberal record of his father and was fined and put in the stocks for violations of the increasingly severe laws toward the Quakers.

Arthur Howland shared the distinction of his brother in the liberality of his opinions, and John and George Soule, of Duxbury, were of the same party. John Howland, the Pilgrim, was dropped from membership in the General Court during the Quaker troubles, and Goodwin suggests that this was due to the liberality of his opinions (Goodwin 507).



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

Priscilla herself, in place of the decidedly commonplace preliminary interview with her father; but by so doing, Longfellow violates the spirit of one of the primitive laws of conduct and propriety of the Pilgrim Colony. Longfellow wrote his poem in 1858, three years after Bradford's Manuscript was recovered, but it is doubtful if he ever consulted that document, and the poet added improbabilities to an already incredible story. The first wife of Captain Myles Standish died the first winter at Plymouth, January 29, Old Style, and Mr. William Mullins, father of Priscilla, died three weeks later, when the infection was raging among the poorly clad and poorly nourished Pilgrims; seventeen dying in February, and four on the day of Mr. Mullin's death. The romantic tradition put into writing by the Rev. Timothy Alden has for its historic background these three weeks, when the main business of the colonists was caring for the sick and burying the dead, in which offices Standish was especially active and is mentioned in that connection by Bradford and Mourt, and it is impossible to believe that the well-bred Standish courted Priscilla in less than three weeks after his wife's death.

The recent discovery of Mr. Mullins' will establishes a most interesting addition to our Pilgrim knowledge, namely, that Mr. Mullins never landed at Plymouth, and that his last days were spent on the Mayflower as it lay at anchor in the harbor. The interview between John and Mr. Mullins, is therefore, pure fiction. Longfellow appropriates from the complete tradition as given by the Rev. Timothy Alden, the episode of the bridal party and the novel cavalcade with the new bride riding upon the back of Raghorn, the black bull. Cattle were not imported into the Colony until 1624, a year after the marriage of John and Priscilla, and there was, moreover, no place



## OF THE PILGRIM STATE

to which the bridal couple could go, except, as Goodwin suggests, on a winged bull, for the whole of Plymouth settlement lay within the radius of a quarter of a mile, and there was not another civilized habitation in the Colony. The intimation of Thacher that Capt. Standish never forgave John Alden to the day of his death has no foundation in fact. Upon the re-marriage of Standish, the two families lived as neighbors at Duxbury, and the son of Standish married the daughter of John and Priscilla.<sup>2</sup>

The study of the records disproves the popular conception of the Pilgrim as fanatics who cut out Quakers' tongues and burned witches, on one hand, and on the other, the improbable words and actions attributed to them in the novels of Jane Austin, "Standish of Standish," "Betty Alden," and "A Nameless Nobleman," where there is an over idealizing of a people, who with great virtues, were in many respects, exceedingly human and commonplace.

Dr. Cheever in his edition of Mourt, 1849, sheds rhet-

NOTE 2.—The student of textual criticism will find matter for reflection in the progressive development of Pilgrim legend and the departure from the primary authority of Bradford: (1) The looseness of Morton, 1669, e. g., his statement that Captain Jones of the Mayflowers was bribed to take the ship out of the intended course, an assertion not corroborated by the first writers, Bradford, Mourt and Winslow. (2) Some errors in Prince, 1736, (but on the whole careful and accurate) and primary authority where certain lost notes of Bradford are quoted. (3) The Epitaphs of Rev. Timothy Alden, 1814, where the anachronism of placing the Pilgrims of the first three years in the setting of an established community is added to the impossible conversation between Mr. William Mullins and John Alden—the Pilgrim settlement of Bradford being replaced by an 18th century New England village. (4) Russell, 1835, repeating Rev. Timothy Alden's anachronisms of time and place, and confounding Pilgrim and Puritan. (5) 1849, Dr. Cheever, adding further unreliable matter. (6) 1858, Longfellow's poem, where Alden's Epitaphs are improved upon with further improbabilities. (7) 1888, Goodwin's Pilgrim Republic, a return to Bradford and historical accuracy.



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

orical tears over the finely wrought sampler of Lorah, daughter of Captain Myles Standish, saying it is the only memorial of the wife and mother, Rose, who perished the first winter and lies in an unknown grave. The facts are that Rose the first wife of Captain Standish died childless, and Lorah who wrought the sampler now in Pilgrim Hall, Plymouth, was the child of Barbara, the second wife of Standish.

The venerable John Howland, President of the Rhode Island Historical Society (1835) contributes to Thacher's History of Plymouth an account of the ancestry of his family, beginning in the formal style of the time: "Unaccountable as it may appear, it is unhappily true that very few of those men who first arrived from England, and commenced the settlement of the New England Colonies left any memorials for the information of their descendants respecting the place of their birth or residence in the country they left, or any account of those branches of their respective families which they left behind." (Thacher 129).

The venerable head of the Rhode Island Historical Society then gives for the benefit of posterity, the genealogy of his family, stating that his ancestor, John Howland the Pilgrim married Elizabeth, daughter of Governor Carver. When Bradford's manuscript was recovered, 1855, it was found that John the Pilgrim married Elizabeth, daughter of John Tilley and not Elizabeth, daughter of Governor Carver, and we have the interesting illustration of a president of an historical society who did not know his own ancestry. Furthermore, the supposed descendant of the first Pilgrim Governor placed a stone at the grave of the Pilgrim Howland, with the inscription: "Here ended the Pilgrimage of John Howland. He mar-



## OF THE PILGRIM STATE

ried Elizabeth, daughter of Governor Carver," and for a generation the stone remained, a monument to the Pilgrim John Howland, and also a monument to the fact that tombstone data are not always reliable. President Howland died a year before Bradford's manuscript was recovered, believing himself a descendant of the first Pilgrim governor—Young makes the same error.<sup>3</sup> It is a safe rule to follow that nothing written about the Pilgrim Fathers between 1776 and 1855 is reliable—in this period the Pilgrim myths arose.

NOTE 3.—John Howland's daughter, Desire, married Captain John Gorham, who died 5 February, 1675-6. The Gorham "Wast Book" states that "Captain John Gorham was a Captain of a company of English and Indians and went to the fight of King Philip—or Swamp Narraganset fight, and there was wounded by having his powder horn hit and split against his side and wounded—and dyed att Swansey."

Hannah Gorham, daughter of Captain John and his wife, Desire Howland, married Joseph Whilldin, of Yarmouth, who afterward removed with his family to Cape May, New Jersey, where both are buried. Their children were: Hannah Whilldin, born at Yarmouth, 1683, died 1728, married first at Cape May, Thomas Leaming, of Cape May, married second Philip Syng, of Philadelphia; Joseph Whilldin, born about 1690, died at Cape May, 18 March, 1748, married first Mary Wilmon; Mary Whilldin, married 17 December, 1708, Joseph Crowell; Experience Whilldin, married William Foster; Isaac Whilldin.

The children of Hannah Whilldin and her husband Thomas Leaming were: Esther Leaming, born at Cape May, 3 July, 1702, married William Eldredge; Mercy Leaming, born at Cape May, 10 September, 1704, married Samuel Eldredge; Jane Leaming, born at Cape May, 15 October, 1706, married William Doubleday; Phoebe Leaming, born at Cape May, 4 November, 1708, married John Garlick; Priscilla Leaming, born at Cape May, 15 June, 1710, married first John Stites, married second Jacob Hughes; Christopher Leaming, born at Cape May 1712, married Deborah Hand; Thomas Leaming, born at Cape May, 31 March, 1718, Old Style, married Elizabeth Leaming.

The will of William Eldredge, dated 17 June, 1765, proved 16 January, 1769, names his wife, Esther, sons, Jehu, John Eli; daughters, Hannah, Morris and Esther Garrison; grandsons, Elihu, Daniel and Thomas; granddaughter, Mary Eldredge.

For a record of other descendants of John Howland at Cape May to the present generation see "Mayflower Descendants in Cape May County."



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

Out of myth and romance the true history, spirit and character of the founders of Plymouth Colony must be discovered by a careful study of the records and laws of the Pilgrim jurisdiction.

The subject cannot be divided systematically as in a legal treatise dealing with a more complete state, because of the elementary and fragmentary legislation of the first years, and, as has been stated, it is evident that many of the laws in operation were never recorded in any formal statute. The subject will be discussed under the following heads:

- I. The Patents, Compact and Articles of Confederation.
- II. Titles to Land.
- III. Courts and General Laws.
- IV. Laws Governing Conduct—including Criminal Laws.
- V. Laws governing Religious Societies.











## I. THE COMPACT

### PATENTS AND ARTICLES OF CONFEDERATION

The effort of the Pilgrims at Leyden to secure a tract of land for a permanent settlement in the New World led to the signing of Robinson and Brewster of the document known as The Seven Articles, given in full, in the preceding division entitled The Polity and Theology of the Pilgrim Church. Early in the same year, 1618, Sir John Wolstenholme, a wealthy member of the Virginia Company undertook to secure a charter for the intending emigrants. Neither the King or the Archbishop gave full consent to the undertaking, but James, while not openly favoring the Pilgrims, expressed his willingness to "con-nive at them and not molest them provided they carried themselves peaceably"; but as for a charter under his seal, if his promise was not sufficient, neither would "a seal as broad as the house floor." (Bradford 38, 39).

At length, on June 19, 1619, on the motion of the Earl of Lincoln, a patent of land on the northern limits of the Virginia Company was granted, the instrument running in the name of John Wincob, "a religious gentleman then belonging to ye Countess of Lincoline," (Bradford 51), the applicant not being qualified as non residents to receive it. For reasons which are not explained in the manuscripts, this patent was superseded Feb. 12, 1620, by one running in the name of John Peirce, one of the financial supporters of the enterprise, (Merchant Adventurers) which conveyed, with power of self government, a tract of land to be selected by the colonists near the mouth of the Hudson River.



## THE RELIGIOUS AND LEGAL CONSTITUTION

The landing at Cape Cod was accidental, and placed the colonists outside the jurisdiction of the Virginia Company, whose territory did not extend north of 41 degrees north latitude, and the attempt to continue the voyage to the Hudson was abandoned because of the difficulties of navigation and the increasing sickness.<sup>4</sup> Consequently, the Pilgrims were outlaws as far as any rights they might claim under their patent, and were without authority to make laws or enforce them and only nominally under the protection of the law of England. In this situation, without authority from their patent, and outside all established authority, it is not surprising that a Bolshevist movement

NOTE 4.—That it was the intention of Captain Jones to conduct the Mayflower to the shores of New England and thereby place the Pilgrims beyond the protection of any English charter, and that the Captain had been bribed by the Dutch to betray his trust, is the statement of Morton in the "Memorial."—"But some of the Dutch having notice of their intention (of settling at the mouth of the Hudson), and having thoughts about the same time of erecting a plantation there likewise, they fraudently hired the said Jones, by delays while they were in England, and now under pretence of the shoals, to disappoint them in their going thither"-----"Of this plot between the Dutch and Mr. Jones I have had late and certain intelligence."

Nathaniel Morton, Secretary of Plymouth Colony, and Town Clerk of Plymouth, was the son of George Morton and his wife Juliana Carpenter, sister of Governor Bradford's second wife. The Secretary died at Plymouth in 1685, aged about seventy-two years. His Memorial, published in 1669, at the direction of the Colony, was primary authority until the recovery of Bradford's Ms. in 1855, and from the close of Bradford's record continues the history of the Colony down to 1668, but is no longer primary authority, except for the latter period. Morton's assertion that Captain Jones was bribed to conduct the Pilgrims out of their intended course is disputed.

George, the father of the Secretary, came in the Ann, in 1623, and while the ancestor was not of the number of the Pilgrim passengers, the family had been identified with the Pilgrims before the migration to Holland. Of the four children of George Morton, Secretary Nathaniel left no male issue;



## OF THE PILGRIM STATE

broke out in the Mayflower, and significance of the Compact is not understood unless these facts are taken into consideration. The introductory words of Bradford are illustrative:

"I shall a little returne back and begine with a combination made by them before they came ashore, being ye first foundation of their governmente in this place; occasioned partly by ye discontented & mutinous speeches that some of the strangers amongst them had let fall from them in ye ship—That when they came ashore they would use their own libertie; for none had power to command them. the patents they had being for Virginia, and not for New-england, which belonged to an other Government, with which ye Virginia Company had nothing to doe. And partly that shuch an acte by them done (this their condition considered) might be as fine as any patent, and in some respects more sure."

Without authority, without right, the colonists organized themselves into a body politic, placing themselves

Ephraim, brother of Nathaniel, was the ancestor of Marcus Morton; the daughter, Patience, married John Faunce and became the mother of Elder Faunce; John married Mary Ring, granddaughter of Stephen Hopkins, and settled in Middleborough, Plymouth County. Ebenezer, son of John, married Mercy Foster, and had John, who married Elizabeth Bennett, a descendant of Henry Sampson and John Howland, John and Elizabeth Tilley (in two lines). Lucy, daughter of John, and Elizabeth Bennett, married Jabez Soule, a descendant of George Soule, John Alden, Priscilla Mullins, William Mullins, Alice Mullins (his wife), Myles Standish and Francis Eaton. Sarah Soule, daughter of Jabez and his wife Lucy Morton, married Dependence Sturtevant, a descendant of Richard Warren. Thus the Pilgrim families of the Old Colony are interrelated. In Cape May County, New Jersey, the Pilgrim stock is likewise intermingled, and the names Church, Morton, Eldredge, Whilldin and Foster are among the living descendants of the New England whalers who first brought the Pilgrim strain to southern Jersey (see "Mayflower Descendants in Cape May County"). That the Cape May families of Whilldin and Eldredge came from Yarmouth we have certain proof, and it is probable that in Middleborough we shall find other ancestors whose names have been continued in Cape May to the present time.



## THE RELIGIOUS AND LEGAL CONSTITUTION

under the protection of the King of England. "Perhaps the only instance in human history of that positive, original social compact which speculative philosophers have imagined as the only legitimate source of government. Here was a unanimous and personal assent by all the individuals of the community to the association, by which they became a nation." (John Quincy Adams, 1802).

The words of the Compact are as follows:

IN YE NAME OF GOD. AMEN! We whose names are under-written, the loyall subjects of our dread soveraigne Lord, King James, by ye grace of God, of Great Britaine, Franc, & Ireland king, defender of ye faith, &c., haveing undertaken, for ye glorie of God and advancemente of ye Christian faith, and honour of our king and countries, a voyage to plant ye first colonie in ye Northerne parts of Virginia, doe by these presents solemnly and mutually in ye presence of God, and one of another, covenant and combine our selves togeather into a civill body politick, for our better ordering and preservation and furtherance of ye ends aforesaid; and by virtue hearof to enact, constitute, and frame such just and equall lawes, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most mette and convenient for ye generall good of ye Colonie, unto which we promise all due subbmission and obedience.

In witnes wherof we have hereunder subscribed our names at Cape-Codd ye II. of November, in ye year of ye raigne of our soveraigne lord, King James, of England, France & Ireland ye eighteenth, and of Scotland ye fiftie-fourth. Ano. Dom. 1620. (Bradford 110).<sup>5</sup>

For the first year of the life at Cape Cod and Plymouth, this Compact, resting upon the consent of the governed, was the foundation of all authority in the Colony. Under it the governor was elected, Standish was appointed captain with authority of command, and necessary

NOTE 5.—"The settlers of all the former European colonies had contented themselves with the powers conferred upon



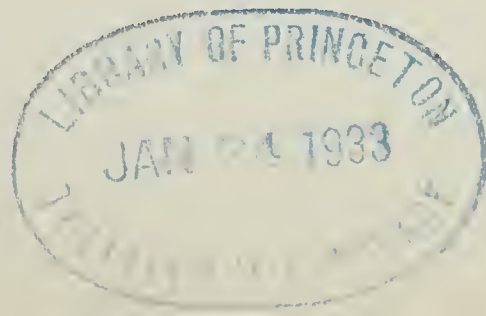
## OF THE PILGRIM STATE

discipline administered. While the Colonists acknowledge the king, the king did not acknowledge them, and for the first year the Pilgrims both in theory and in practice governed themselves and voluntarily formed the most complete democracy known to that time in the history of civilization.

On the return of the Mayflower in May 1621, the Merchant Adventurers appealed in behalf of the Pilgrims to the President and Council of New England for a grant of the territory on which they had unintentionally settled. The patent was granted June 11, 1621, and sent to the Pilgrims by the ship *Fortune*, reaching them Nov. 20, 1621. This patent, made out, like the former one, in the name of John Peirce remained in force one year only. (Young 234: note). In the following year, Pierce surreptitiously contrived to have this patent exchanged for another running to him, his heirs, associates, and assigns, planning to take possession of the land in his own name and reduce the settlers to a condition of vassalage to him, but Peirce was compelled through financial losses to surrender for a consideration this last patent to the Merchant Adventurers.

In 1630 the Council for New England sent over a new patent of the Pilgrim territory, defining the grant as practically co-extensive with the present counties of Plymouth, Barnstable and Bristol, with a tract of land for trade on the Kennebec, reaching from the present city of

them by their respective charters, without looking beyond the seal of the royal parchment for the measure of their rights and the rule of their duties. The founders of Plymouth had been impelled by the peculiarities of their situation to examine the subject with deeper and more comprehensive research." John Quincy Adams, 1802.





## *THE RELIGIOUS AND LEGAL CONSTITUTION*

Augusta, thirteen miles down the stream, and extending fifteen miles each side of the river. The patent in the name of Bradford, and known as the "Warwick Patent," is still in the Registry of Deeds at Plymouth. Bradford surrendered the Warwick Patent to the freeman of the Colony in 1640. (Brigham 305).

In 1643, the Colonies of Plymouth, Massachusetts Bay, Connecticut and New Haven formed a confederacy called "The United Colonies of New England." The object of the league was mainly mutual deference, and all able-bodied males between the ages of 16 and 30 were liable to be called to the defense of an invaded colony. The quota of soldiers, showing the relative population, was as follows: Massachusetts, 150; Plymouth, 30; Connecticut, 30; New Haven, 25; making a total of 235. Each Colony chose annually two church members as commissioners. (The question of the religious qualification of freemen will be discussed later).











## II. TITLES TO LAND

It is an accepted fact of American history that a great part of the land acquired by the early settlers was sold by the Indians for an insufficient consideration, a few articles of clothing, knives and other inexpensive commodities appealing to the present wants of the savage taste, and the morality of these transactions has been severely criticised. In Plymouth Colony we find the same transactions and the same ethical problems. In 1649 the residents of Duxbury, adjoining the town of Plymouth, desirous of enlarging their borders, petitioned the Governor and Board of Assistants for permission to make an extension to the westward. There was at that time a tract of land owned by Massasoit, then called Satucket, now Bridgewater and the adjoining towns which have been set off therefrom. The survey read: "From the wear (sic), seven miles to the East, seven miles to the West, seven miles to the North, seven miles to the South." The sale was accomplished by a committee comprised of Captain Myles Standish, Samuel Nash, Constant Southworth, all of Duxbury, and the consideration in this extensive sale of land was as follows:

7 coats, a yard and a half of cloth in each.

9 hatchets.

8 hoes.

29 knives.

2 moose skins.

10 1-2 yards of cotton.

Myles Standish, John Alden, George Soule, John Rogers, William Brett and Constant Southworth distributed the land among their relatives (Thacher 366, and published



## THE RELIGIOUS AND LEGAL CONSTITUTION

address of Mr. Herbert Randall before General Society of Mayflower Descendants, Plymouth, 1915).

It is difficult to reconcile the facts of this typical transaction with the express statements of the early writers that the Indians were always paid full value for the land acquired, and that no advantage was taken of them. Dr. Young says: "The first planters of Plymouth and Massachusetts invariably purchased of the natives the land on which they settled for a consideration which was deemed at the time fully equivalent. They followed literally the instructions given by the governor of the New England Company to Governor Endicott in 1629: 'If any of the salvages pretend right of inheritance to all or any part of the lands granted in our patent, we pray you endeavour to purchase their title, that we may avoid the least scruple of intrusion. Particularly publish that no wrong or injury be offered to the natives.' And in 1676, it was as truly as proudly said by Governor Josiah Winslow, of Plymouth, 'I think I can clearly say that before these present troubles broke out (King Philip's War), the English did not possess one foot of land in this Colony but what was fairly obtained by honest purchase of the Indian proprietors.'"<sup>6</sup> Dr. Drake, "ever inclined to give the Indians the benefit of all doubts, and to see doubts very easily," says: "In no instance was land taken from the Indians without their consent, or without a fair compensation" (Goodwin 546).

NOTE 6.—What the value of the land was to the white men, and what value the Indians placed upon the same, are difficult questions to answer. One could wish that the settlers had supplied the natives with the implements of agriculture rather than knives and gaudy clothing. It is doubtful, however, if the Indians would have accepted the agricultural implements in place of the articles proffered, a sharp knife being



## OF THE PILGRIM STATE

The moral difficulty of the case cited above is increased by the fact that Massasoit, by whom the deed was granted, lived at Sowams, forty miles distant, and did not

of more value to them than many acres of forest land. It is certain that as time went on the natives at Plymouth and elsewhere realized and regretted the loss of their ancestral lands. In the year 1789, a number of Indian Sachems assembled at New York, on a mission to President Washington. General Knox invited them to a dinner at his table. A little before dinner, two or three of the Sachems, with their chief or principal man, went into the balcony, at the front of the house, from which they had a view of the city, the harbor, Long Island and the adjacent country. On returning into the room they appeared dejected. General Knox, noticing this, said to the chief, "Brother, what has happened to you? You look sorry! Is there anything here to make you unhappy?" He answered, "I will tell you, brother. I have been looking at your beautiful city, the great water and rivers, your mighty fine country, producing enough for all your wants; see how happy you all are. But then I could not help thinking that this fine country, and this great water was once ours. Our ancestors lived here, they enjoyed it as their own possessions in peace; it was the gift of the Great Spirit to them and their children. At length the white people came here in a great canoe. They asked only to let them tie it to a tree, lest the waters should carry it away; we consented. They then said some of their people were sick, and they asked permission to land them and put them under the shade of the trees. The ice then came and they could not get away. They then begged a piece of land to build wigwams for the winter; we granted it to them. They then asked for some corn to keep them from starving; we kindly furnished it to them, they promising to go away when the ice was gone. When this happened and the great water was clear, we told them they must now go away with their big canoe, but they pointed to their big guns round their wigwams and said they would stay there, and we could not make them go away. Afterwards more white people came. They brought spirituous and intoxicating liquors with them, of which the Indians became very fond. They persuaded us to sell them some land. Finally, they drove us back from time to time into the wilderness, far from the water and the fish and the oysters; they destroyed the game, our people have wasted away and now we live miserable and wretched, while you are enjoying our fine and beautiful country. This it is that makes me sorry, brother! and I cannot help it." Thacher, 398-399.



## THE RELIGIOUS AND LEGAL CONSTITUTION

even by pretense, claim to occupy the land at the time of sale. It is necessary, however, before passing judgment to review the history of titles to land from the first settlement. On landing at Plymouth in 1620, the Pilgrims found extensive tracts of recently cultivated land, but not a single occupant in the immediate neighborhood. In the great plague of three years before, the Patuxet tribe of Plymouth and the adjoining territory had been completely wiped out, not a member was left in possession. Morton in his *New England Canaan* says: "Some few years before the English came to inhabit at New Plymouth, the hand of God fell heavily upon the natives, with such a mortal stroke that they died on heaps. In a place where many inhabited, there hath been but one alive to tell what became of the rest." (*New Canaan*, Amsterdam, 1637, quoted in Young 184.<sup>7</sup>) "We for our parts, through God's grace, have with that equity, justice, and compassion carried ourselves towards them (the Indians), as that they have received much favour, help and aid from us, but never the least injury or wrong by us. We found the place where we live empty, the people being all dead and gone away, and none living near by eight or ten miles." (*Cushman's Discourse*, Young 259). The justice of the Pilgrims' title

NOTE 7.—The great plague mentioned by Morton began in Maine, extended to Narraganset Bay and continued from 1616 to 1618. The Cape Cod Indians escaped the devastation of the disease as did the Nemaskets inhabiting the territory of the present town of Middleborough. White men seemed immune to the disease and the physician, Richard Vines, spent the winter of 1616-1617 among the plague-stricken Indians without infection. The nature of the disease is uncertain and the mortality so great that the bones of the unburied dead were long seen by the early explorers of the Pilgrim country. Samoset, on his first appearance at Plymouth, informed the Pilgrims that there was neither man, woman or child remaining in the territory of the Patuxits.



## OF THE PILGRIM STATE

to the land of Plymouth does not rest upon any agreement between Massasoit and the settlers, or upon any formal instrument. Neither are the words of Cushman: "They (the Indians) offer us to dwell where we will," (Young 259), evidence of a moral title to the land of Plymouth, and the position taken in this discussion in affirming the moral validity of the original titles of the Pilgrims, takes issue with the "Preface to Plymouth Laws, declaring the warrantable grounds" ordered by the Court in 1636 to be placed before the records of the several inheritances granted to the King's subjects within the government of New Plymouth, stating that "All which lands being void of inhabitants, we....entering into a league of peace with Massasoit, since called Woosamequin Prince or Sachem of those parts....He the said Massasoit freely gave them all the lands adjacent to them & their heirs forever." (Laws of Colony of Plymouth, 1636).

The moral title to the land of Plymouth was originally vested in the Patuxet tribe inhabiting that land rather than in Massasoit, with whom the Patuxets were in alliance, but the fact of the alliance did not destroy the moral right of the occupants of the land to the inheritance of their fathers. At the time of the Pilgrim occupation, one only of the original inhabitants was living, and he, rather than Massasoit, held the moral claim to the land of his tribe, the Patuxets. This surviving member of the original owners became a member of the Pilgrim band and spent the remaining years of his life with them. Tisquantum's assent to their occupancy is the moral support of the Pilgrim titles.<sup>8</sup> In the subsequent grants Massasoit gave no

NOTE 8.—Tisquantum was an adviser rather than an Indian laborer among the Pilgrims. As the result of his native training, he was given to lying and deception, but to the col-



## THE RELIGIOUS AND LEGAL CONSTITUTION

moral title, and in allowing the Indians the right to hunt, the Pilgrims left to the Indians their only interest in the unoccupied land. This last fact throws light upon the seeming insufficiency of consideration in the early Indian deeds. The land was a waste, and with the right of hunting continued, the consideration to the Indians seemed sufficient.

The treatment of the Indians is a difficult question to discuss with absolute fairness, but three illustrations will show the spirit of the Colonists toward them. In 1690, the Court granted leave to Indians "that find themselves agrieved" to sue in the courts without cost to themselves (Brigham 236). In 1660, the Court forbade a colonist to receive land from the Indians as a gift, evidently a law for the protection of the natives. And from the first private transfers of land from the Indians to the Colonists were forbidden, the open consent of the Court was first required. (Laws of 1643). The impartial justice of the Colonists is shown by the execution in 1638 of three white men for murder of one Indian. (Thacher 82, where the author says the most rigid justice was not withheld from the defenceless natives; Thacher here speaks of the Pilgrim Colonists as "Puritans").<sup>9</sup>

onists he was a good friend and to the best of his ability served them faithfully. He was the official interpreter and gave the settlers valuable information in regard to hunting, fishing and planting, telling them that corn should be planted when the oak leaves were as large as the ears of a mouse. He died in 1622, requesting a prayer from Governor Bradford, who cared for him in his last sickness, that he might go to the Englishman's heaven. Bradford speaks of his death as a great loss to the Colony.

NOTE 9.—In some instances the Indians were appointed magistrates and administered justice in their own courts. A



## OF THE PILGRIM STATE

A modified communism existed in the Pilgrim Colony until 1623, when the first division of land was made, each freeman receiving a lot of from one to seven acres in proportion to the number in the several families. These lots were located on both sides of Town Brook at Plymouth, and consisted mostly of cleared land and ancient abandoned corn fields of the Indians. The causes leading to the division of lands is an answer to theorists of the present day who propose the abolition of private ownership of land. "And because there was small hope of doing good, in that common course of labor that formerly we were in; for that the governors, that followed the men to their labors, had nothing to give men for their necessities, and therefore could not so well exercise that command over them therein, as formerly they had done; especially considering that self-love wherein every man, in a measure more or less, loveth and preferreth his own good before his neighbor's, and also the base disposition of some drones that, as other times, so now especially would be most burdensome to the rest; it was therefore thought best that every man should use the best diligence he could for his own preservation." (Winslow's Relation, Young 346).

Bradford's remark is especially illuminating: "The experience that was had in this common course and condition, tried sundrie years, and that amongst godly and sober men, may well evince the vanitie of that conceite of Platos & other ancients, applauded by some of later times;—that ye taking away of propertie, and bringing in communitie,

warrant issued by one of these Indian courts of limited jurisdiction is mentioned by Judge Davis in his appendix to Morton's Memorial: "I, Hihoudi, you Peter Waterman, Jeremy Wicket, quick you take him, fast you hold him, straight you bring him before me, Hihoudi."



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

into a common wealth, would make them happy and flourishing; as if they were wiser than God.” (Bradford 163).<sup>10</sup>

A second division of land was agreed upon Jan. 3, 1627, when each freeholder received 20 acres, and until the incorporation of towns, further divisions were made, as more land was required for the growing Colony.

NOTE 10.—Robert Cushman’s sermon, delivered on Sunday, 19 September, 1621, from the text First Corinthians, x: 24—“Let no man seek his own, but every man another’s wealth,” seems to favor the communism of the first days of the Pilgrim settlement. Land and later cattle were held in common, and for a time labor was in common, but there was no joint ownership of goods, although the colonists had public supplies of clothing and food until 1623.











### III. COURTS AND GENERAL LAWS

In the first days of the Colony, cases for trial were brought before the whole body of the people, who in criminal cases sometimes acted as both judge and jury. Upon Bradford's election to the office of governor, 1621, Isaac Allerton was chosen his assistant. In 1624, the number of assistants was increased to five and further increased to seven in 1636, the Governor having a double vote. This board of Assistants or Magistrates, as they were interchangeably called, was the executive council of the miniature state, and was also a court for jury trials and the decision of the elementary legal questions arising in the first days of the settlement. But an appeal lay from it to the whole people, and the Governor and Assistants had little authority beyond calling out the will of the people, and the enforcement of the few elementary laws, mostly oral, that had been established. Brigham places 1636 as the first important era in the history of the laws of the Colony, and the beginning of legislation. There are, however, fragmentary records beginning as early as 1623, and probably other laws were recorded by Bradford in certain small books which Prince had in his possession before 1736, but now are unfortunately lost.

The first entry in the record of the Laws of New Plymouth is an order of the Court (Governor and assistant) under date of December 17, 1623, "that all criminal facts, and also all matters of trespasses and debts between man and man, shall be tried by the verdict of twelve honest men to be impanelled by authority in forme of a jury upon their oath."

"The laws they intended to be governed by were the laws of England—adding only some particular mu-



## THE RELIGIOUS AND LEGAL CONSTITUTION

nicipal laws of their own, suitable to their constitution, in such cases where the common laws and statutes of England could not well reach, or afford them selp in emergent difficulties of the place." (Hubbard, *History of New England* in Young 197, note).

The next order of the Court prohibits the exportation of timber, followed by two orders forbidding handicraftmen to work for strangers—here the record of 1623 ends and is taken up in 1626, by an enactment prohibiting the exportation of corn, beans or peas. A law of 1627 forbids the use of thach in covering dwelling houses, and the same Court authorized the second division of land. The record is then interrupted until 1632, when we find the interesting enactment, by public consent of the freemen of the Society of New Plymouth, that "if now or hereafter any were elected to the office of governor, and refused to serve, he shall be amerced 20 Pounds Sterling," and a like penalty of 10 Pounds in case an elected assistant refused to serve. This remarkable law is explained in part by the fact that public officers received, in the early days of the Colony, no remuneration for their services. In 1633, the Court formally assumed jurisdiction over wills and the estates of deceased persons, and in the same year the first law relating to damage caused by trespass was enacted. The final words of the enactment, (providing for assessment of damage by trespass of cattle), "Notwithstanding any laws to the contrary," suggests that other laws relating to the same subject had been enacted, but not put upon the record book, or may have been mere form. The records are now further interrupted until 1636, when the first revision of the laws was made, and most of the laws which had before been adopted were re-enacted, and others added, as it became necessary to define more clearly the rights and privileges of the members of a growing community. One of the added laws provided that inheritances



## OF THE PILGRIM STATE

were to descend, "according to the commendable custome of England and hold of East Greenwich." Re-enacted 1658—"The said premises—with all and singulare the appurtanances belonging therunto to bee holden as of his Majestie his manner of Eastgreenwich in the countey of Kent in ffree and Common Soccage and not in Capite nor by Knight service. (Deed of Indians to John Howland et al., 1661, Mayflower Descendant 1914, No. 2).

Inquests into the abuses and breaches of the laws by a Grand Jury were ordered in the revision of 1636, and that sales of land must be acknowledged before one of the Assistants and committed to public record—the impressment of soldiers was authorized, "where there be not volunteers sufficient offered for service."

A further enactment of 1636, as a protection against fire, required each householder "to have one sufficient ladder or ladders at least which will reach ye top" of the house upon penalty of such default of ten shillings. It was also ordered by the Court that four men should be hired to keep watch at Plymouth, at public charge, for the safety of the person of the Governor. When in 1637, Thomas Prence of Duxbury was elected Governor, a former act requiring the executive to reside in the town of Plymouth, was suspended in the new Governor's favor.<sup>11</sup>

NOTE 11.—Thomas Prince, born in Sandwich, 1687, died 1758, graduated at Harvard College, 1707, ordained after graduation to the Ministry, travelled in West Indies and England. He began a collection of manuscripts on the history of New England in 1703. The documents were kept in the Old South Church tower at Boston, and were partly destroyed by the British during the War of the Revolution. The remains of the collected manuscripts form the Prince Collection in the Public Library, Boston. His most famous work was "The Chronological History of New England," which during the period of the loss of Bradford's manuscript was a primary authority in Pilgrim history. Certain excerpts from lost writings of Bradford are included in the Chronology, making it still a primary source of Pilgrim information.



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

From the first the Governor assembled the whole body of freemen when matters of importance to the State were to be considered, and this assemblage of the whole body of free citizens, called the "General Court," was, as has been said, the supreme authority in the Colony. As the number of Assistants was increased, at first one, in 1624 five, and in 1636 seven, the ordinary affairs of state, and the questions arising as the Colony grew and relations with other colonies were established, were determined by the "Court," i. e. the Governor and the Board of Assistants, but if the Assistants, after the Governor had brought the case before them, judged the matter too great to be decided by them, it was the duty of the Governor to call a "General Court" to decide the matter in question, and each freeman who failed to attend the General Court, at least once a year at the annual election on the first Tuesday in March, was liable to a fine of 3 shillings. The evident hardship of the law requiring the whole body of citizens of the outlying towns to attend the General Court at Plymouth, and the complaint of the freemen led to the following enactment in 1638, which is a beginning of the representative system of our American States. "Whereas complaint was made that the freemen were put to many inconveniencies and great expenses by their continuall attendance at the Courts, It is therefore enacted by the Court for the case of the several Colonies and Townes within the Government, That Every Towne shall make choyce of two of their freemen and the Towne of Plymouth of foure, to be Committees or deputies to joyne with the Bench to enact and make all such laws and ordinances as shall be judged to be good and wholesome for the whole" (Brigham 63). At the present day the legislative body of Massachusetts is called "The Great and General Court."



## OF THE PILGRIM STATE

As the colony grew the sessions of the Court were held at more regular periods and with greater frequency, until in 1685 the Colony was divided into three counties, Plymouth, Barnstable and Bristol, each county named for its shire-town, and having its semi-annual court with probate jurisdiction, and its clerk kept the registry of deeds. There are few instances of legislation governing contracts and torts, the laws of England covering such causes, and in 1662 the treasurer was ordered by the Court to procure "a booke of the statutes of England for the use of the Colonie." (Brigham 137).

The Revised Laws of 1671 are a premonition of the revolt against foreign rule of a century later, and in the "General Fundamentals" we find the following:

"That no Act, Imposition, Law or Ordinance shall be made or imposed upon us, at present or in time to come; but such as shall be made or imposed by consent of the Body of Freeman or associates, or their Representatives legally assembled."

At the same time the Fathers looked to England as the mother country, and twenty years after the landing Bradford speaks of sending a ship home to England.







## IV. LAWS GOVERNING CONDUCT

including

### CRIMINAL LAWS

For the first fifteen years of the life of the Colony there were no criminal laws, but there were two cases of punishment before the records open. In the early spring of 1621, a turbulent member of the Colony, foisted upon the Pilgrims by some enemies among the Adventurers so it is supposed, named John Billington (of whom Bradford wrote in 1625, "he is a knave, and so will live and die," a prophecy fulfilled five years later, when he was executed for murder), refused to obey the orders of the military commander, Myles Standish, returning the Captain's reproof with abuse and threats. He was promptly summoned before the whole body of colonists, "convened before the whole company," and sentenced to lie for a time in a public place with neck and heels tied together. Upon pleading for pardon, he was released, the more readily because no punishment had been inflicted yet upon any one. This painful episode in Pilgrim history, from Bradford's Note Book, is preserved for us by Prince, 103, the Note Book is lost.<sup>12</sup> In spite of Billington's evil record

NOTE 12.—The autographic manuscript of Bradford's history of Plymouth Plantation, sometimes called the "Log of the Mayflower," is deposited in the Massachusetts State Library at Boston, and with proper care may be examined by the investigator. The famous manuscript is a folio 7½ inches by 12, backed with parchment. In scope the history extends from 1602 to 1646, with a list of Mayflower passengers at the end under date of 1650. Prince, in his *New England Chronology*, describes it giving the number of pages. This most interesting document in American history was also used by Governor Hutchinson in the preparation of the second volume of his history, 1757. For nearly a century the manuscript was lost, until in 1855 it



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

and unfortunate end, so great is the reverence for the Pilgrim Fathers that his descendants are proud to claim him as an ancestor, and some of the descendants of Governor Bradford are also descended from the first murderer executed in New England.

On June 18 of the same year, Edward Doty and Edward Lister, two employees of Stephen Hopkins, attempted to settle what they considered an affair of honor by a duel. As in the former case, the whole company was assembled to give judgment, which was that the culprits should have heads and feet tied together and so remain without food or drink for twenty-four hours. After an hour of punishment, on promise of good behaviour, they were released at the request of their employer, Stephen Hopkins (Mourt, in Young 201). Duelling was never attempted again in the Old Colony of Plymouth.

The first recorded law regulating conduct is in 1633, when the sale of wine or "strong water," is forbidden, except at a public house, "and there only to strangers at their first coming," and the price of beer is fixed at two pence a quart. At the revision of the laws in 1636, it was enacted that in every "contablerick" a pair of stocks and a whipping post should be erected, with a cage of competent strength to detain a prisoner. Thacher, writing in 1835, says "these stocks and whipping posts were appendages to every meeting house till within the last fifty years" (History of Plymouth, 81).<sup>13</sup>

was discovered in the library of the Bishop of London and finally returned to the United States. A copy has been issued by the State of Massachusetts and is found in the larger libraries of the country.

NOTE 13.—Having no prisons in the Colony, the stocks took the place of imprisonment as a mode of punishment. But the stocks and the whipping post were generally brought into



## OF THE PILGRIM STATE

In 1638 a law against idleness provided that those who were "suspected to live idly and loosely," should be brought before the Governor and Assistants (re-enacted 1653, with the alteration allowing idle persons to be brought before the magistrate of the town where they resided). The Pilgrims were not total abstainers, and the only instance in Governor Bradford's manuscript of an alleged supernatural interference in human affairs, in an extraordinary and irrational way, of which the later Puritan writers, like Cotton Mather, were fond of relating, is Bradford's account of the refusal of Captain Jones, of the *Mayflower*, to send some beer from the ship to a sick man in the new settlement. As a consequence of the cruelty of his refusal to provide the refreshment craved by the sick man, so Bradford says, Captain Jones and the crew became violently ill, and Jones, repenting of his harshness, sent the sick man the desired stimulant. This, the Governor, intimates, was a supernatural intervention, and in a note Bradford says, the sick man was the author (Bradford) himself (Bradford, 112). In 1636 a law provided that "such as either drinke drunke in their persons

operation as the alternative to a fine. An impecunious culprit might avoid punishment, in some cases, by prevailing upon a bystander to accept his promise of work in repayment for advancing the amount of the fine.

The offence called euphemistically by Pilgrim descendants a "premature opening of the family record," was punished by publicly whipping the husband and putting the wife in the stocks. The law was afterwards modified by the substitution of a fine. Among those punished for this offence were Perigrine White, the first-born child of the Colony; Thomas Cushman, son of the Elder; James Cudsworth, son of the future general and deputy-governor; Jonathan, his brother; Samuel Arnold, son of the Marshfield pastor; Isaac Robinson, grandson of the Leyden pastor; Thomas Delanco, Nathaniel Church, and others of the first families of the Old Colony. See Goodwin, 600.



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

or suffer any to drinke drunke in their houses be inquired into amongst other misdemeanors and punished or fined or both at the discretion of the bench," and this law with additions continued to the end of the Colony.

"Whereas there is great abuse in taking tobacco in very uncivill manner openly in the Towne streets," it was enacted in 1638, that anyone using tobacco within a mile of his dwelling, or at his work in the fields, except at meal time, should be fined 12 pence. "And for boyes and servants that shall offend herein, and have nothing to pay, to be set in the stocks for the first default, and for the second to be whipped." This law was entered upon the record book and after erased, but in 1646 a similar law was enacted, the preamble setting forth the danger of fire to out-houses, barns and hay stacks (re-enacted 1658). The penalty for telling a wilful lie was, by a law of 1653, a fine of 10 shillings or "setting in the stocks for not more than two hours"; re-enacted in 1671 with the addition: "But in case where the lye is greatly pernicious to the public weal, it shall be more severely punished according to the nature of it."

In the revision of 1671 the following were declared crimes punishable by death:

- (1) Idolatry (never inflicted).
- (2) Blasphemy (never inflicted).
- (3) Treason against the King of England (never inflicted).
- (4) Conspiracy against the jurisdiction of the Colony (never inflicted).
- (5) Wilful murder.
- (6) Manslaughter.
- (7) Murder by guile or poison.



## OF THE PILGRIM STATE

(8) "If any Christian (so-called) be a witch, that is, hath or consults with a Familiar Spirit, he or she shall be put to death." This penalty was never inflicted in Plymouth Colony, and the presence of the law on the statute book shows the growing influence of the more powerful neighboring colony of Massachusetts Bay. The great leaders of liberal thought had died and Plymouth was governed by Magistrates and Ministers of Puritan hardness of feeling who were no longer of Pilgrim training or even of Pilgrim stock. It is impossible to believe that Bradford, Brewster and Standish would have consented to this law, and the subject will be further discussed under the head of Law Governing Religion and Religious Societies.

(9) Bestiality (Bradford, 474).<sup>14</sup>

NOTE 14.—"Marvilous it may be to see and consider how some kind of wickedness did grow & breake forth here, in a land wher the same was so much witnessed against, and so narrowly looked into, & severely punished when it was knowne; as in no place more, or so much, that I have known or heard of; insomuch as they have been somewhat censured, even by moderate and good men, for their severitie in punishments. And yet all this could not surpress ye breaking out of sundrie notorious sins, (as this year, besides other, gives us too many sad presidents and instances)-----I say it may be justly marvelled at, and cause us to fear & tremble at the consideration of corrupte natures, which are so hardly bridled, subdued, & mortified; nay, cannot by any other means but ye powerfull worke & grace of Gods spirite. But (besides this) one reason may be, that ye Divell may carrie a greater spite against the churches of Christ and ye gospell hear, by how much ye more they in-deaour to preserve holyness and puritie amongst them, and strictly punisheth the contrary when it ariseth either in church or commone wealth: that he might cast a blemishe & staine upon them in ye eyes of (ye) world, who used to be rashe in judgmente. I would thinke thus, then that Satane hath more power in these heathen lands, as som have thought, then in more Christian nations, espetially over God's servants in them." Bradford 459-460.



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

- (10) Sodomy (never inflicted).
- (11) "If any person rise up by false witness, wittingly and of purpose, to take away any man's life, he shall be put to death" (never inflicted).
- (12) Manstealing (never inflicted).
- (13) Cursing or smiting father or mother (never inflicted).
- (14) "If a stubborn or rebellious son, of sufficient age and understanding—viz: sixteen years—shall not obey the voice of his father, or the voice of his mother, such son shall be put to death, or otherwise severely punished" (The extreme penalty never inflicted in the life of the Colony).
- (15) Rape (never inflicted).
- (16) Wilful burning of houses or ships (Never inflicted).

These penalties seem severe and show the influence of the Levitical law upon the legislation of the later days of the Colony, but the penalties were rarely inflicted, while the law stood, a terror to evil doers. During the whole life of the Colony there were ten executions under the civil authority, as follows:

John Billington, executed for murder, 1630. Three white men for murder (by guile, so the law was probably interpreted) of one Indian, 1638. An execution under the adopted Levitical law, for unnatural crimes, 1642. A sad case in 1648, where an undoubtedly insane mother was executed for killing her daughter of four years, the medical skill of the day not being sufficiently advanced to perceive her condition. Three Indians, for killing John Sassamon, called by Eliot, "the first Christian martyr of the Indians." The crime was committed at Middleborough in



## OF THE PILGRIM STATE

1675, just before the beginning of King Philip's War. John Armand de la Forrest, executed for murder in 1690.<sup>15</sup>

NOTE 15.—In 1664, John Sassamon, an Indian, deserted King Philip's service and informed the governor of the Indian plot to exterminate the English. While the government was concerned with measures of defense, Sassamon was killed, and his body hidden under the ice in Assawamsett pond in Namas-ket, now known as Middleborough. His murderers were three of King Philip's men. They were detected and tried by a court held in June, 1674. They were condemned to death and were executed, several Indians being upon the jury. The war that followed is known in history as King Philip's War. Sassamon was a Punkapoag Indian, born at Dorchester, of parents who became Christian. He was a missionary to the Indians and served with the English in the Pequod war in 1637, and was afterward a student in the Indian department at Harvard. His murder seems to have been due to the fact that the Indians wished to put an end to his missionary activities rather than on account of any special information he may have been able to give.







## LAWS GOVERNING RELIGIOUS PRACTICES

The three following statements are deducible from the records of the Colony, and thereby the Pilgrims are exonerated of the charges of intolerance often brought against them:

1. No person accused of witchcraft was ever convicted or punished in the Colony of Plymouth.

2. No one was ever executed or mutilated for holding or teaching the doctrines of the Quakers or of any religious body in the life of the Colony.

3. No religious qualification was ever required for the exercise of the right to vote in the Pilgrim Colony.

The true attitude of the Pilgrim Colony toward the witchcraft superstition is misunderstood because of the identity in the popular mind of the two distinct jurisdictions of the Pilgrim Colony of New Plymouth and the Puritan Colony of Massachusetts Bay. In 1692, when the witchcraft frenzy was raging in Boston, John Alden, son of the Pilgrim, while naval commander of the Colony of Massachusetts Bay, was accused of witchcraft at the Puritan capital. The trial was a perversion of all justice, and is a blot on the record of the legal history of Massachusetts. To the charge that Alden had exercised diabolical agencies upon a young girl, Justice Gidney demanded that the accused confess and give glory to God. Captain Alden answered "that he hoped he should always give glory to God, but he would never gratify the devil," and was in consequence committed to prison. Escaping after fifteen weeks, the Captain returned to his relatives at Duxbury, making his arrival late at night with the salutation that "he was come from the devil, and the



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

devil was after him'' (Winsor's Duxbury, 215).

In all nineteen persons accused of witchcraft were hung (not burned, as popularly understood) in Massachusetts Bay. The record at Plymouth is as follows: In 1661, Dinah, wife of Joseph Sylvester, of Scituate, claimed to have seen the wife of William Holmes in conversation with the devil, who appeared in the form of a bear. The husband, Holmes, brought a suit for slander before the General Court, and Dame Sylvester was declared guilty and ordered (1) to be publicly whipped, (2) or pay the husband five pounds, (3) or that she openly confess her slander and repay costs and charges. The accuser chose the latter and we hear no more of witchcraft in Plymouth for sixteen years.

In 1677, Mary Ingham, an elderly matron, was charged with bewitching Mehitable, daughter of Walter Woodworth, causing her to fall into violent fits, "and so hath greatly languished," all by the "help of the devil,, in a way of witchcraft or sorcery." We have a complete record of the trial, the names of the jury and presiding magistrate, Governor Josiah Winslow. The jury brought in a verdict of "not guilty," and these two trials complete the total history of the witchcraft madness in the Pilgrim Colony.<sup>16</sup>

NOTE 16.—Plymouth was remarkably free from the prevailing superstitious fear of comets and similar unusual appearances. Bradford makes no mention of these appearances, although Secretary Nathaniel Morton shared the prevailing fear.

In 1668 the Governor and Council of Massachusetts Bay called upon the clergy to intercede against the impending peril of a comet then seen in the sky. The learned Increase Mather, afterwards president of Harvard College, held that comets had a special supernatural significance. The records at Plymouth do not show that the Governor and Assistants gave the matter consideration.



## *OF THE PILGRIM STATE*

“Thank God,” Goodwin says, “no Quaker was put to death in the Pilgrim Republic.” Yet with regret it must be admitted that the laws in the closing days of the Colony were severe. The Quaker of the time, however, was by no means the mild, peaceable person of our time and memory. “Thomas, thou liest; thou art a malicious man; thy clamorous tongue I no more regard than the dust under my feet; thou art like a scolding woman; thou pratest and deridest me.” With these words and continual interruptions, the Quaker, Humphry Norton, addressed Governor Prence, when brought before the General Court in June of 1658. Norton had already been warned away from the Colony and had been taken to the Rhode Island frontier and set free. On his second appearance, and above abusive words, he was required to take the oath, according to law required of all, of fidelity to England, and refusing to do so was whipped. In the same year John Copeland and William Brains were ordered to leave the Colony for insulting the Court, but on returning six days later, were whipped for contempt of court. Besides some ten cases of banishment, five intruding Quakers were whipped, but for contempt of court rather than as a punishment for their belief.

An interesting incident of the short three years of Quaker persecution in the Old Colony was an attempt of four delegates from the court to “reduce them (the Quakers) from the error of their ways.” Two of the delegates attended Quaker meetings, with the result that they became convinced that the members of the sect were not fairly treated, but no Quaker was converted from the “error of his ways.” Isaac Robinson, son of the pastor, one of the delegates, was disenfranchised because of the liberal stand taken by him toward the persecuted people. No Quaker was hung, and no Quaker’s tongue was cut



## *THE RELIGIOUS AND LEGAL CONSTITUTION*

out, as popularly supposed, and after three years the furor subsided, and intolerance of this kind never re-appeared in Plymouth Colony.

Church membership was never required as a qualification for the franchise in Plymouth Colony. Here we have a clash of authority, and it is necessary to make a careful examination of the records. Thacher says (page 81) church membership was an indispensable qualification for freeman, and this assertion is repeated on page 273. Goodwin (415) declares that in Massachusetts and the Colony of New Haven only church members were entitled to vote but no such qualification was ever required in Connecticut and Plymouth.

It is evident Thacher took his authority from the Articles of Confederation of the united colonies, 1643, where it is agreed that the commissioners of the colonies shall be "in Church fellowship with us," but it does not follow that voters in Plymouth were required to be church members. The oath of a freeman, 1636 (Brigham, 38), makes no such restriction, and no restriction of the kind was ever made in the Colony. The powerful and illiberal Colony of Massachusetts with the backing of New Haven forced upon the Confederation the requirement that the commissioners must be church members, but liberal Plymouth granted the franchise without regard to profession of religion. For many years Standish was the most powerful man in the Colony, and held every important office at Plymouth, with the exception of that of governor, which he, as military commander, could not hold; yet Standish was not a member of the Pilgrim Church, and probably was reared in the Church of Rome. Although he lived until 1656 he was never a commissioner of the united colonies, "the narrow policy of the Con-



## OF THE PILGRIM STATE

federacy in restricting the commissionerships to church members, deprived that board of the benefit of his presence'' (Goodwin, 449).

As an instance of the liberality of the Pilgrims, Father Druillette, a Jesuit priest, who visited Plymouth in 1650, on behalf of the French government, mentions in his diary that he was received courteously, and the day being Friday, Governor Bradford provided a dinner of fish out of regard to the faith of his guest (Goodwin, 458).

---

## The End.

The last election of the Colony was held on June 12, 1691, and the officers then chosen served out their year. Before the next election, Governor Phipps, had arrived from England with a charter which combined Plymouth, Massachusetts, the Vineyard Islands, Maine and Nova Scotia into the Royal province of Massachusetts. The last Court of Assistants met April 15, 1692, Governor Bradfords' son presiding,, in the absence of Governor Hinckley. The old forms were followed, the jurors called, and as a matter of form, two were fined for being absent, and cases on the docket were continued until the next term. A public day of fasting was ordered—we can imagine a pause in the proceedings as the significance of the adjournment was realized—the Court adjourned, and the Pilgrim State came to an end.<sup>17</sup>

NOTE 17.—Before the end of the independent jurisdiction of the Colony, and while one of the Mayflower passengers was still living (see page 65), descendants of the Pilgrims had settled on the coast of Maine and as far south as Cape May



## THE RELIGIOUS AND LEGAL CONSTITUTION

in the present State of New Jersey. Yet by the third generation from the first settlement of Cape May, all memory of the Pilgrim ancestry of the first inhabitants was lost.

It is a remarkable fact of our American history that whole sections of our country are populated by successive generations, who have lost all track of their original ancestors.

Probably few of the mountaineers of the Southern States, unmistakably Scotch-Irish in features and traits, can give any clear account of their first American ancestors, or the incentive of their migration to this country. The ship on which they came, the date of arrival and the condition of life left behind in the old country, are facts unknown, involved in the obscurity of the past.

The settlement of the southern extremity of New Jersey by scattered families of Swedes is known to us through the diary of the Swedish pastor, Campanius, and other early writers. Campanius made a pastoral visit to the scattered families of his flock as early as 1648, entering the following in his diary: "On the sixteenth day of May, 1648, having obtained a proper passport from the governor and council, I sailed in the Lord's name, with my family from Elfsborg, in New Sweden, on board the ship 'Swan,' and on the eighteenth came into the bay, and on the nineteenth we came to Cape May." Doubtless some of the stock of the first Swedish settlements, and certain of their names, still survive in Southern Jersey, possessing no certainty of their first American ancestors or what influenced them to migrate to this country.

To the later arrivals in Cape May, the whalemens who first established a station at Long Island and in the course of time made a permanent settlement at the Cape, we are indebted for the implanting upon these shores of the Pilgrim stock, increasing in time through inter-marriage with the associated families, until today within the county of Cape May there are undoubtedly more descendants of the Mayflower in a given area than in any part of the world, even in Plymouth county, the place of the first landing of the Pilgrims. Here in Cape May, a granddaughter of the Pilgrim John Howland died; here her children and grandchildren lived, inter-marrying as time went on with the old Cape May families, the Eldredges, Hughes, Leaming, Stites, Crowell, Edmunds, Cresse, Foster, Hand, Mecray, Bennett, Schellenger, Matthews, Hall, Parsons, Russell, Rice, Beasley, Church, Merritt, Corson, Ludlam, Reeves, Schenck, Barnes and other of the contiguous families of the early days of Cape May.

Yet it is a most astonishing fact in our history that no hint of the Pilgrim ancestry of the original settlers of the county is found in any of the early documents. The several writers of early history of the county have shown no knowledge of the



## *OF THE PILGRIM STATE*

most interesting fact of our history, namely, that the stock of the Pilgrim fathers was brought here by the early whalem<sup>e</sup>n. Not until within a few years has any member of the lost colony of Mayflower descendants entertained any suspicion of the distinguished ancestry of probably the majority of the inhabitants of the county. Unlike the settlers of Plymouth, where the records give an accurate account of the arrival of each family—the name of the ship on which they came and the increase of children and grandchildren, here in Cape May no document exists to inform us of the exact date of the arrival of the first New England settlers or the ship—probably a whaleboat—on which their families arrived.

No record of births, deaths and marriages was kept by the early colonists at Cape May and the genealogical data must be collected from wills, deeds and gravestone inscriptions, and in some instances by the inspection of church and Friend meeting registers, kept without the county, but rarely within.



## Bibliography

- (1) Bradford's History of Plymouth Plantation. Official copy issued by the State of Massachusetts, 1898.
- (2) Young's Chronicles of the Pilgrims, Boston, 1844. Containing Mourt's Relation, Winslow's Brief Narration, and Governor Bradford's Dialogue.
- (3) Bradford's Letter Book, a publication of the Massachusetts Society of Mayflower Descendants, 1906.
- (4) Pilgrim Memorials and Guide to Plymouth, Russell, 1855, Boston.
- (5) History of Plymouth, Thacher, 2nd edition, Boston, 1835.
- (6) Goodwin's Pilgrim Republic, Boston, 1888.
- (7) 20 volumes of The Pilgrim Descendants, published by the Massachusetts Society Mayflower Descendants.
- (8) New England Chronology, Prince, Boston, 1736.
- (9) Dexter's Congregationalism, Boston, 1865.
- (10) Waddington's Track of the Hidden Church, Boston, 1863.
- (11) Brigham's Laws of Plymouth Colony, published by State of Massachusetts, 1836.
- (12) Plymouth Colony Law and Church Records.
- (13) The Psychology of Suggestion, Boris Sidis, M. D., New York, 1898.



# Index

## A

- ABORIGINES, treatment of by Pilgrims 65.
- ADAMS, John Quincy, on Social Compact of Pilgrims, 78.
- ADMINISTRATION OF SACRAMENTS, by laymen, allowed by theory of Congregationalism—rule at Plymouth, 34.
- ALDEN, Betty, novel by Jane Austin, 16, 69.
- Alden, David, son of the Pilgrim, 59.
- Alden, Elizabeth, daughter of John and Priscilla, wife of William Peabody, 41, note.
- Alden, John the Pilgrim, husband of Priscilla Mullins, long life, death, 40, note, attitude toward Quakers, decline from liberality, 57, note, joins Pilgrims in England, 57, sons of 59, myth of part in "Courtship of Myles Standish," 67, descendants, 77, note.
- Alden, John, son of Pilgrim, accused of witchcraft, 107, 108.
- Alden, Jonathan, son of the Pilgrim, 59.
- Alden, Joseph, son of the Pilgrim, 59.
- Alden, Sarah, daughter of John and Priscilla, 69.
- Alden, Rev. Timothy, "Epitaphs," origin of legend of poem, "Courtship of Myles Standish," 16, 67, 69, note.
- ALLERTON, Isaac, 93.
- Allerton, Mary, wife of Elder Cushman, long life of, last of the Pilgrims, 40, note, 65.
- ANCESTORS, food of, 14.
- ANCESTRY, indifference of first generations of Pilgrims, 11.
- ANGLICANISM, of 17th century, source of authority, 49.
- ANN, ship, 76, note.
- ANTICHRIST, canon law so designated, 48.
- AQUINAS, SAINT THOMAS, 12.
- ARISTOTLE, 12.
- ARMINIANS, Robinsons dispute with, 50.
- ARMINIANISM and Calvinism, 51.
- ARTICLES, not creeds, considered statement of faith of Church of England, 49.
- Articles of Confederation, 110.
- ASSISTANTS, Board of, 65, 93, last meeting and end of Plymouth Colony, 111.
- ASTONISHMENT of Pilgrim, at dignity conferred upon him by history, 11.
- AUSTIN, JANE, novels by, 16, 31, note.

## B

- BARBARA, second wife to Captain Myles Standish, 70.
- BARNES FAMILY, Pilgrim ancestry, 112.
- BARNSTABLE COUNTY, 97.
- BAPTISM, right of laymen to administer, rule at Plymouth, 34.
- BAYLIES, Judge, Historical Memoir of New Plymouth, 12, 13.



## THE RELIGIOUS AND LEGAL CONSTITUTION

- BEASLEY FAMILY, Pilgrim ancestry, 112.  
BELLINGHAM, Governor of Massachusetts Bay Colony, 57.  
BENNETT FAMILY, Pilgrim ancestry, 112.  
Bennett, Elizabeth, wife of John Morton, descendants, 77, note.  
BESTIALITY, capital crime, 103.  
"BETTY ALDEN," novel by Jane Austin, 16.  
BIBLE and Blunderbuss, 31.  
BILLINGTON, John, first murderer executed in New England, member of Pilgrim band, 99, 100.  
BISHOPS, authority of recognized by Pilgrims at Leyden, 48, 49.  
BLACKSTONE, commentaries.  
Blackstone, Rev. William, opinion of Boston Puritans, 58, note.  
BLASPHEMY, capital crime, 102.  
BOLSHEVISTS OUTBREAK, on Mayflower, 76, 77.  
BONUM, George, 41, note.  
BOSTON, Massachusetts Bay, cases of witchcraft in, 19.  
BRADFORD, name, 11.  
Bradford, Alice, wife of Governor William, 41, note.  
Bradford, Joseph, son of Governor William, 59.  
Bradford, Mercy, daughter of Governor William, 59.  
Bradford, Governor William, Manuscript History of New Plymouth, loss of 15, on change in Pilgrim church of second generation, 29, Dialogue, 41, Letter Book, 50, recovery of manuscript history, primary authority of, 68, 69, note, election to office of governor, 93, liberality of, 111.  
Bradford, William, son of Governor Bradford, 59.  
BRAIND, William, 109.  
BRETT, William, 83.  
BREWSTER, ELDER WILLIAM, lawsuits, 29, note, spiritual adviser of Pilgrims, 31, denied by Pastor Robinson right to administer sacraments, 34, education, 40, note, signs the Seven Articles of the church in Holland, 49.  
BRIGHAM, Laws of Plymouth Colony, 66.  
BRISTOL COUNTY, 97.  
BRITISH EMPIRE in North America, 13.  
BROWN, Dorothy, 41, note.

### C

- CALVINISM, in New England and in Pilgrim Church, 25, 28, Robinson on 50, 51, doctrine of election, 60.  
CAMPANIUS, Swedish pastor, 112.  
CANT, in Pilgrim literature, 30, 31.  
CANNON LAW, called antichrist, 48.  
CAPE COD, 52, landing of Pilgrims accidental, 76.  
CAPE MAY, New Jersey, descendants of Pilgrims in, 77, note, 111, note.  
CAPITAL CRIMES, list of in Pilgrim State, 102-104.  
CARPENTER, Juliana, wife of George Morton, 76, note.  
Carpenter, Mary, 41.  
CARVER, Elizabeth, daughter of Governor Carver, 70, 71.  
Carver, Governor, 30, 31.  
CATTLE, imported into colony, date of, 68.



## OF THE PILGRIM STATE

- CHANGE in date of Bradford, made by Dr. Prince because of religious scruple, 30.
- Change, in theological outlook with the death of first generation of Pilgrims, 51, 55, 58.
- CHARITY OF PILGRIMS, compared with other bodies of separatists, 48, in treatment of Lyford, 55, 56.
- CHARTER, efforts of Pilgrims in Holland to secure, 75.
- CHAUNCEY, Rev. Charles, 57.
- CHEEVER, Rev. Dr., error as to mother of Captain Standish's children, 70.
- CHRONOLOGY, New England, by Dr. Prince, 30.
- CHURCH, family, Pilgrim ancestry of, 77, note, 112.
- "CHURCH," meaning of in nomenclature of Congregationalism, 32.
- Church and congregation, 37.
- Church, Pilgrim, first parish becomes Unitarian, 35, 39, 44, 61.
- Church of England divines, theory of church, Articles not creeds statement of belief, 49.
- Church, members of, number in Massachusetts Bay and Plymouth, 43.
- Church membership, not required as qualification for franchise, 110.
- Church property, disposal of at time of Unitarian upheaval, 44.
- Church records of Plymouth, 41, 51.
- Churches, formation of, 37.
- CLARK, Thomas, 41, note.
- CLERGY, of Church of England, charged with pomp and covetousness, 47.
- Clergy, Puritan, at Boston, forbidden to officiate at marriages, 34, note.
- COLD SPRING, New Jersey, 29, note.
- COLE, James, 41, note.
- COLONY OF PLYMOUTH, beginning and end, 65, 111.
- Colony, Plymouth, attitude in witchcraft persecutions, 19, 107, 108.
- COMPACT OF PILGRIMS signed in cabin of Mayflower, 12, 65, John Quincy Adams on, 77, words of, 78.
- COMETS, fear of, 108, note.
- COMMISSIONERS of United Colonies of New England, 80, required to be church members, 110.
- COMMUNISTIC LIFE of Pilgrims in Holland, 29, note.
- COMMUNITY OF LABOR of Pilgrims, 12.
- COMMUNISM, in Plymouth Colony, Winslow on, Bradford's opinion of, 89.
- COMMUNION, not celebrated at Plymouth during first years, 34.
- COMMON LAW OF ENGLAND, authority in Colony, 93, 94.
- CONDUCT, Laws governing, 99 et seq.
- CONFEDERATION of New England Colonies, 80.
- CONGREGATIONALISM, later development of, nomenclature of, 32, fundamental law as to ordination, 33, founding of in Massachusetts Bay, 33, note.
- CONNECTICUT, Colony of, requirements of voters, 9, 110.
- CONSPIRACY, against jurisdiction of Colony capital crime, 102.



## THE RELIGIOUS AND LEGAL CONSTITUTION

- CONTRACTS and Torts, legislation governing, 97.  
CONTRAST between the enlightened liberality of first generation of Pilgrims and generations immediately following, 51 to 56.  
CONVOCATION, authority of, 49.  
COTTON FAMILY, 27, note.  
Cotton, Hannah, 27, note.  
Cotton, Rev. John, Puritan pastor at Boston, 25, opinion of democracy, 58, note.  
Cotton, Rev. John, son of Boston pastor, 27, note, pastor at Plymouth, 1667-1654, 39.  
Cotton, Rev. John, son of Plymouth pastor, 27, note.  
Cotton, Josiah, 25, 26, family, 27, note.  
Cotton, Mary, 27, note.  
Cotton, Sophia, 27, note.  
Cotton, Colonel Theophilus, officer in Revolution, 15.  
COPELAND, John, 109.  
COOPER, Priscilla, 41, note.  
CORSON FAMILY, Pilgrim ancestry of, 112.  
COUNTIES, of Pilgrim State, 79, division of colony into, 97.  
COURT OF ASSISTANTS, last meeting of, 111.  
COURTS, primitive, of Colony, 93.  
"COURTSHIP OF MYLES STANDISH," 16, improbability and inaccuracy of poem, 66-69.  
COVENANT, of Pilgrim and Congregational churches, contract nature of, 37, formulated by each congregation, 49, note, Pilgrim covenant compared with historic creeds, 60, indefiniteness of, 60, 61.  
CRANMER, theory of church, 38.  
CREED, no accepted formula in Pilgrim and Puritan congregations, 49, note, 60.  
CREEDS, of Church of England and Articles of Religion, 49.  
CRESSE FAMILY, Pilgrim ancestry, 112.  
CRIMINAL LAWS of Pilgrim State, 99 et seq.  
CRIMES, capital, 102-104.  
CROSWELL, Rev. Andrew, 26.  
CROWELL FAMILY, Pilgrim ancestry of, 112.  
CRUSADERS and Pilgrims, 12.  
CULT of the Pilgrims, beginning of, 13.  
CURSING father or mother, capital crime, 104.  
CUSHMAN, Robert, on treatment of Indians by Pilgrims, 86, 87, on communism, 90, note.  
Cushman, Elder Thomas, 40, family, 40, note, 65.

### D

- DATE in Bradford changed by Dr. Prince, 30.  
DAVIS, Judge, quoted, 55.  
DEACON, office of, 34, 38.  
DEACONESS, office of in Pilgrim church, 41.  
DEATH PENALTY, 57.  
DEMOCRACY, in ecclesiastical affairs not fully accepted by Pilgrims, 40, Rev. John Cotton's opinion of, 58, note, in infant Pilgrim State, 79.



## OF THE PILGRIM STATE

DEMONOLOGY, treatise by King James I., 17.  
DENIAL of right of laymen to administer the sacraments, 34.  
DE RASIER, Isaac, visit to Plymouth, description of town, 42.  
DESCENDANTS of Pilgrims, ignorant of ancestry, 11.  
DEXTER, Rev. Dr., 32, on authority of laymen to administer the sacraments, 34.  
DISOBEDIENCE to parents, penalty, 104.  
DOANE, Deacon John, long life of, 41, note.  
DOTY, Edward, 100.  
DOUBLEDAY, William, husband of Jane Leaming, 71, note.  
DRUILLETTE, Father, courteous treatment by Pilgrims, 111.  
DRUNKENNESS, laws against, 101, 102.  
DUELLING at Plymouth, 100.  
DUTCH, alleged bribing of captain of Mayflower by, 76, note.

### E

EARLY PILGRIM CHURCH, polity of, 37.  
Early titles of Pilgrims, 15.  
EATON Francis, descendants of, 77, note.  
ECCLESIASTICAL LAW in Massachusetts, 33.  
ECCLESIASTICAL POLITY OF PILGRIM CHURCH, summary of, 37.  
EDDY, Elizabeth, 41, note.  
Eddy, Samuel, 41, note.  
EDMUNDS FAMILY, Pilgrim ancestry, 112.  
EDWARDS, Rev. Jonathan, 28.  
ELDERS, Ruling, office of, 38, contrary to Congregation polity, 40.  
ELDREDGE FAMILY, 77, note, Pilgrim ancestry, 112.  
Eldredge, Eli, son of William, 71, note.  
Eldredge, Esther, daughter of William, 71, note.  
Eldredge, Hannah, daughter of William, 71, note.  
Eldredge, Jehu, son of William, 71, note.  
Eldredge, John, son of William, 71, note.  
Eldredge, Samuel, husband of Mercy Leaming, 71, note.  
Eldredge, William, husband of Esther Leaming, 71, note.  
ELECTION, Calvinistic doctrine of, 60.  
ENACTMENTS, general, 94, 95.  
END OF PLYMOUTH COLONY, 65, 111.  
ENDICOTT, Governor, 33, note, 84.  
ENGLISH STATUTES, in force in Plymouth Colony, 97.  
ENLIGHTENED LIBERALITY OF PILGRIMS of first generation, 48, 50, 51.  
EPISCOPAL CLERGYMEN, re-ordained by Congregational form, 33.  
"EPITAPHS," by Rev. Timothy Alden, 16, 67.  
ETHICS, of transactions with Indians, 83-88.  
EVANGELICAL charity of Robinson, 50.  
Evangelical period of Pilgrim church, 25.  
EXECUTIONS, for capital crimes, 104, 105.  
Executions, under law against witchcraft, 9, 108.

### F

FAITH OF ROBINSON, claimed by both Unitarians and Orthodox Congregationalists, 30.



## THE RELIGIOUS AND LEGAL CONSTITUTION

- FALSE WITNESS, crime of, 104.  
FAMILIAR SPIRIT, consulting a capital crime, 103.  
FAMILY RECORDS, punishment for "premature opening" of, instances, 101, note.  
FANATICISM, wrongly attributed to Pilgrims, 69.  
FAREWELL ADDRESS, of Robinson, 50.  
FAUNCE, Elder Thomas, 15, Identification of Plymouth Rock by, 28, last of Ruling Elders, 40, note, parents, 77, note.  
Faunce, Patience, daughter of the Elder, long life of, 40, note.  
FEDERATION OF NEW ENGLAND COLONIES, 28, 80.  
FINAL WORD OF REVELATION, Pilgrim belief as to, 51.  
FINNEY, Phebe, 41, note.  
Finney, Deacon Robert, 41, note.  
FIRST CELEBRATION OF FOREFATHERS' DAY, 13, 14.  
"FIRST CHURCH OF THE PILGRIMS," at Plymouth, Unitarianism, 27, pastors of, 30, 39, becomes Unitarian, 44, Covenant of, 60.  
FIRST PILGRIM PASTOR, 34.  
FIRST WINTER, at Plymouth, 68.  
FITZ, Richard, Separatist leaders, 47.  
FOREFATHERS DAY, first celebration, 13.  
FORTUNE, ship, 79.  
FOSTER family, 77, note, Pilgrim ancestry, 112.  
Foster, Mercy, wife of Ebenezer Morton, 77, note.  
FRANCHISE, requirements for in Plymouth and other New England colonies, 107.  
FULLER Dr., son of Edward, 34, 44, note.  
Fuller, Rev. Samuel, first pastor at Middleborough, 39, 40.  
FUNERALS, early, without religious rites, 34, note.

### G

- GARLICK, John, 71, note.  
GENERAL COURT, of Colony, 96.  
"GENERAL FUNDAMENTALS," 97.  
GOODWIN, John Abbott, author of "Pilgrim Republic," on hardening of ecclesiastical of second generation at Plymouth, 28, authority of, 32.  
GORHAM, Hannah, daughter of Captain John, 71, note.  
Gorham, Captain John, husband of Desire Howland, death of, 71, note.  
GRAND JURY, 95.  
"GREAT AND GENERAL COURT," 96.  
GREAT PLAGUE, extent of, 86, note.

### H

- HALIFAX, Massachusetts, 27, note.  
HALL FAMILY, Pilgrim ancestry, 112.  
HAND FAMILY, Pilgrim ancestry, 112.  
Hand, Deborah, wife of Christopher Leaming, 71, note.  
HANFORD, Margaret, wife of Isaac Robinson, 53, note.  
HARVARD COLLEGE, 27, note, president of and comets, 108.



## OF THE PILGRIM STATE

- HENRY VIII., severity of laws under, 17.  
HIGGINSON, Rev. Frances, 33, note.  
HINCKLEY, Governor, 111.  
HISTORICAL MEMOIRS OF NEW PLYMOUTH, by Judge Balies, quoted, 12, 13.  
HOLLAND, theology of Pilgrims before migration, 45.  
Holland, migration from, 12, communistic life of Pilgrims in, 29, note.  
HOLLEY, Rev. Horace, 15.  
HOPKINS, Stephen, the Pilgrim, descendants, 77, note, 100.  
HOWE, Rev. Elbridge Gerry, 27, note.  
HOWLAND, Arthur, brother of the Pilgrim, liberal attitude toward Quakers, descendants of, 66, note.  
Howland, Desire, daughter of the Pilgrim, wife of Captain John Gorham, descendants, 71, note.  
Howland, Henry, brother of John, liberality of, 66, note.  
Howland, John the Pilgrim, 40, note, attitude toward Quakers, 67, note, wife of, 70, descendants, 71, note, 77, note, 111, 112.  
Howland, John, president of Rhode Island Historical Society, 70, 71.  
Howland, Zoeth, son of Henry, 66, note.  
HUBBARD, author of History of New England, quoted, 94.  
HUDSON RIVER, intended destination of Pilgrim migration, 76, note.  
HUGHES FAMILY, Pilgrim ancestry, 112.  
Hughes, Rev. Daniel Lawrence, D. D., 29, note.  
Hughes, Jacob, second husband of Priscilla Leaming, 71, note.  
HUTCHINSON, Governor, 13, 99, note.

### I

- IDLENESS, law against, 101.  
IDOLATRY, capital crime, 102.  
INDIFFERENCE of first descendants to genealogical records, 11.  
INDIANS, killing of by Pilgrims, 51, captains in King Philip's war, Increase Mather's words on death of, 53, treatment of prisoners after King Philip's War, 54, 55, lament at loss of lands, 85, note, general treatment of by Pilgrims, 88, native magistrates, 88, note.  
INTOLERANCE, Puritan, toward Quakers, 54, note.  
Intolerance, Pilgrims exonerated of charge, 107.

### J

- JAMES I., treatise on Demonology, 17.  
JEWISH DISPENSATION, preference of ancestors for, 55.  
JONES, captain of Mayflower, 31, accused of accepting bribe, 69, note, alleged treachery of, 76, note, 101.  
JURISDICTION OF PLYMOUTH COLONY, duration of, last court, 9, 11, 111.  
JURY, trial by, 93.

### K

- KEITH, Rev. James, pastor at Bridgewater, humanity of, 54.  
KENNEBEC RIVER, Pilgrim lands on, 79.  
KING, authority of to appoint bishops, 48, 49.



## THE RELIGIOUS AND LEGAL CONSTITUTION

KING PHILIP, skull exposed at Plymouth, 40, note, Increase Mathers words on death of, 53, son of, treatment at Plymouth, 54.  
KING PHILIP'S WAR, 53, 105.  
KING, Samuel, 41, note.  
KING'S CHAPEL, Boston, becomes Unitarian, 61.  
KNOX, general, 85, note.

### L

LABOR, community of at Plymouth, 12.  
LAITY, more liberal than clergy, 55.  
LAMENT of Indians at loss of lands, 85, note.  
LAND, common ownership at Plymouth, 12, early titles, 83 value of to Indians, 84, note, moral title of Pilgrims, 87, 88, first division, 89, second division of 1627, 90.  
LAST DAYS OF PLYMOUTH COLONY, 111.  
LAWS, increasing severity of, 57, general discussion, 65, oral, 93, criminal, 99 et seq.  
LAWSUITS, among colonists, 29, note.  
LAYMEN, right of, under Congregational rule, to administer the Lord's Super, 34, power in ecclesiastical matters, 44.  
LEAMING FAMILY, Pilgrim ancestry, 71, note, 112.  
Leaming, Elizabeth, 71, note.  
Leaming, Esther, wife of William Eldredge, 71, note.  
Leaming, Christopher, 71, note.  
Leaming, Jane, wife of William Doubleday, 71, note.  
Leaming, Mercy, wife of Samuel Eldredge, 71, note.  
Leaming, Priscilla, wife of John Stites and Jacob Hughes, 71, note.  
Leaming, Phebe, wife of John Garlick, 71, note.  
Leaming, Thomas, 71, note.  
LEGEND, Pilgrim, progressive development of, 69, note.  
LEGISLATION. of Plymouth Colony, 65.  
LETTER BOOK, Governor Bradford's quoted, 50.  
LETTER, of Robinson to Standish regarding killing of Indians at Weymouth, 51, 52.  
LETTICE, Anna, 41, note.  
LEVITICAL LAW, 57, influence upon legislation, 104.  
LEYDEN, Holland, 11, theology of Pilgrims before migration, 47, congregation at, migration of, 53, note, 75.  
LEYDEN STREET, Plymouth, 29.  
LIBERALITY OF PILGRIMS, 48, 55, 56, 110.  
LIBERTY, foundations laid by Pilgrims, 13.  
LINCOLN, Countess of, 75.  
Lincoln, Earl of, 75.  
LISTER, Edward, 100.  
LITTLE, Rev. Ephraim, pastor at Plymouth, 39.  
LOCAL CONGREGATION, authority of, 37.  
LONDON, Bishop of, 100, note.  
LONGEVITY, of Pilgrims and early colonists, 40, note.  
LONGFELLOW, poem, "Courtship of Myles Standish," 9, 16, origin of legend, 66, 67, improbability and inaccuracy of poem, 68, 69.  
LONG PARLIAMENT, 18.



## OF THE PILGRIM STATE

LORD'S DAY, prejudice influencing exactness in historical statement, 30.

LORD'S SUPPER, right, under Congregational rule, of laymen to administer, rule at Plymouth, 34.

LUDLAM FAMILY, Pilgrim ancestry, 112.

LUTHER, approval of burning of witches, 17.

LUTHERANS, Robinson on, 50.

LYFORD, Rev. John, conviction of by Pilgrim court, 55, confession, treatment at Plymouth, 56.

LYING, penalty, 103.

### M

MAGISTRATES, Indian, 88, note.

MAGNA CHARTER, 12.

MANSLAUGHTER, capital crime, 102.

MARRIAGES, early not performed by clergy, 34, note.

MASSACHUSETTS BAY, Colony of, witchcraft madness, 18, immorality in 57, voters required to be church members, 107.

MASSACHUSETTS STATE LIBRARY, 99, note.

MASSASOIT, 85.

MATHER FAMILY, 53, note.

Mather, Cotton, "Strange Occurrence," seen by, witchcraft cases, 18, 19, parents, 53, note, letter of to Rev. John Higginson regarding William Penn's ship, 54, note.

Mather, Increase, words on Indian leaders in King Philip's War, removes jaw from Philip's skull, 53, meaning of comets, 108, note.

Mather, Richard, father of Increase, 53, note.

MATTHEWS FAMILY, Pilgrim ancestry, 112.

MARTIN, treasurer of Mayflower, 30, 31.

MAYFLOWER, return of, 79, "Log" of, 99, note.

MAYFLOWER DESCENDANT, publication, 43.

Mayflower Descendants in Cape May County, 9, 29, note, 111, 112.

MECRAY FAMILY, Pilgrim ancestry, 112.

MEMBERSHIP in Pilgrim church, 43.

MEMORIAL, Morton's authority of, 76, note.

MERCHANT ADVENTURERS, 79.

MERRITT FAMILY, Pilgrim ancestry, 112.

MITCHELL, Experience, 41, note.

MIDDLEBOROUGH, Plymouth County, 39, 104.

"MINISTER," title, 39.

Minister tax, opposition to, 44, note.

MINISTRY, the, and secular employment, 38, note.

MORAL TITLE, of Pilgrims to land, 87, 88.

MORTON FAMILY, 76, note.

Morton, Ebenezer, son of John, descendants, 77, note.

Morton, Ephraim, 77, note.

Morton, George, 76, note.

Morton, John, son of Ebenezer, 77, note.

Morton, Lucy, wife of Jabez Soule, 77, note.

Morton, Marcus, ancestry, 77, note.



## THE RELIGIOUS AND LEGAL CONSTITUTION

- Morton, Secretary, Nathaniel, accusation against Captain Jones of the Mayflower, 69, note, fear of comets, 108, note.  
Morton, of Merrymount, author of "New England Canaan," 86.  
Morton, Patience, daughter of George, 77, note.  
MONASTIC ORDERS, and Pilgrims, 12.  
MOURT'S RELATIONS, 30.  
MULLINS, Priscilla, myth regarding courtship of by Myles Standish, 9, 67, 68, (see Longfellow).  
Mullins, William, father of Priscilla, 67, descendants, 77, note.  
MYTHOLOGICAL and legendary elements in Pilgrim history, 9, 71, 72.  
MYTHS, Pilgrim, period in which they arose, 71.

### N

- "NAMELESS NOBLEMAN," novel by Jane Austin, 69.  
NAMES, Puritan and Pilgrim, 58, 59.  
NATIVES, deceived by colonists, 85, note.  
NELSON, Thomas, 41, note.  
Nelson, Hope, wife of Thomas, 41, note.  
NEW ENGLAND, President and Council of, 79.  
New England, source of Colonies, 13.  
New England Chronology, Dr. Prince, on Pilgrim ecclesiastical polity, 37, describes Bradford's M.S., 99, note.  
New England Congregationalism and Pilgrim church, 35.  
New England Unitarianism, 39.  
NEW HAVEN, Colony of, church membership and the franchise, 9, 110.  
NEW JERSEY HISTORICAL SOCIETY, 9.  
"NEW LIGHT," Robinson's doctrine of, 50, 61.  
NEW PLYMOUTH and Massachusetts Bay, 13.  
NEW TESTAMENT, texts from rarely used, 54.  
NEW YORK, 85, note.  
NORTON, Humphrey, Quaker, 109.  
NOTE BOOK, Bradfords, 99.  
NOVA SCOTIA, 111.

### O

- OBSERVANCE OF SABBATH, by Pilgrims and Puritans, 30.  
OFFICERS OF CHURCH, 37, 38.  
ORDERS OF COURT, 94.  
ORDINATION, Congregational, 33, hesitation of Pilgrims to use Congregational form, 33, 34, nature of, 38, note.  
Ordination, of first Congregational pastor in Massachusetts, 33, note.  
ORIGIN OF PILGRIM LEGEND, 67, 68, 69, 70, 71.  
OLD COLONY CLUB, organization of, 13.  
OLD STYLE, in Plymouth County, 31, note.  
OLD TESTAMENT and New Testament, preference of ancestors, 55, 57.  
Old Testament names of later generations of Pilgrim families, 58, 59, note.  
"OUR PILGRIM FATHERS," claim of many, 29, note.



## OF THE PILGRIM STATE

ORTHODOX Congregationalism, faith of Robinson claimed by, 30.  
Orthodox Churches and Unitarianism, 44.

### P

- PARANOIA PERSECUTA, in witchcraft delusion, 17.  
PARISH, Congregational, 32.  
PARTRIDGE, Rev. Ralph, Duxbury pastor, 57.  
PARSONS FAMILY, Pilgrim ancestry, 112.  
PASSENGERS, of the Mayflower, ages of, 53, note.  
PASTORS, how ordained in polity of Congregationalism, 33, office of, 38.  
Pastors, of First Church of the Pilgrims, 39.  
PATENTS, of territory granted Pilgrims, 79, Warwick, 80.  
PATUXET, tribe of Indians, 86.  
PEABODY, William, husband of "Betty Alden," 41, note.  
PIERCE, John, 75, 79.  
PENN, William, Cotton Mather advises capture of, 54, note.  
PILGRIMS, indifference to genealogical records, 11, first acknowledgement of permanent value of work, 13, his sanity the secure foundation of his fame, 16, attitude toward witchcraft persecution, 20, liberality compared with Puritan severity, 58, 107, 108, 109.  
Pilgrims and Crusaders, 12.  
Pilgrims and Puritans, 9, 31, 58, 107.  
Pilgrim Colony, progressive change in religious belief, 32, 55, 59.  
Pilgrim, cult of, first beginnings, 13.  
Pilgrim Church polity, compared with pure congregationalism, 33, summary of, 37.  
Pilgrim descendants, errors as to ancestry, 71.  
Pilgrim descendants, of John Howland and John Tilley, 71, note, 77, note, 111, 112, 113.  
Pilgrim descendants, of John Alden, Stephen Hopkins, Henry Sampson, George Soule, Myles Standish, Francis Eaton, 77, note.  
Pilgrim Fathers, imagined returned to Plymouth, 11.  
Pilgrim history, mythological and legendary elements, 9, 31, 66, 67, 68, 69, 70, 71.  
PILGRIM REPUBLIC, by John Abbott Goodwin, 32.  
PITNEY, James, 41, note.  
PLAGUE, great, extent of among Indians, 86, note.  
PLYMOUTH COLONY, duration of, 65, extent of, 79, end of, 111, Plymouth Colony, Laws of, 65, 113.  
Plymouth County, 97.  
Plymouth, First Church of, becomes Unitarian, 39, 44.  
Plymouth Plantation, history of, by Governor William Bradford, loss and recovery of, 99, note.  
Plymouth Rock, identified by Elder Faunce, 28.  
POLITY OF PILGRIM CHURCH, difficulty of determining, 29, compared with Congregationalism, 33, 34, 35, summary of, 37.  
POPULAR HISTORIANS, misrepresentation of Pilgrims, 11.  
POLYCARP, 15.  
PRATT, Phineas, death of, 41, note.



## THE RELIGIOUS AND LEGAL CONSTITUTION

- PRENCE, Governor Thomas, Duxbury, elected 1637, 95.  
PRINCE, Rev. Thomas, 1687, 1738, author of *New England Chronology*, 11, 30, 32, summary of ecclesiastical polity, 37, errors, 69, note, 93, 95, note.  
PHILIP, KING, head of exposed at Plymouth, barbarous act of Increase Mather, 53, soon sold into slavery, 54, 55.  
PHIPPS, Governor, 111.  
PRISONS, lack of in old Colony, 100, note.  
PROPERTY of churches, how administered, 43, how disposed of at Unitarian upheaval, 44.  
PROPHESYING, 43.  
"PROPOUNDING THE QUESTION," 43.  
PROVINCETOWN, 12, 16.  
PSYCHOLOGY OF SUGGESTION, relating to witchcraft delusion, by Sidis Boris, M. D., 17, 18.  
PUBLIC WORSHIP, how supported, 43.  
PURITAN, confounded with Pilgrim, 9, 31, 58, 107.  
Puritan influence, in legislation at Plymouth, 103.  
Puritan names, adopted by Pilgrim descendants, 59.  
Puritan training, of Pilgrim pastors and magistrates, effect of, 103.  
Puritan writers, identifying Pilgrims and Puritans, 31.  
Puritans of Massachusetts Bay and Pilgrims of Plymouth, 58, 107.

### Q

- QUAKERS, treatment of in Plymouth Colony and in Massachusetts Bay, 9, 57, 107, 109.  
Quakers, "heathen worship" of, in Cotton Mather's estimation, 54, note.

### R

- "RAGHORN," the black bull of Longfellow's poem, 68.  
RANDALL, Herbert, 84.  
RAYNOR, Rev. John, Plymouth pastor, 57.  
RECORDS, of Plymouth Colony, 11, of Plymouth Church, 39.  
REEVES FAMILY, Pilgrim ancestry, 112.  
REFORMED Churches, Robinsons on, 50.  
RE-ORDINATION, of Church of England clergymen, 33.  
REPRESENTATIVE SYSTEM, of government, beginning of, 96.  
REVERENCE FOR PILGRIMS, in early days not greater than for other New England founders.  
RICE FAMILY, Pilgrim ancestry, 112.  
RING, Mary, wife of John Morton, descendants, 77 note.  
ROBBINS, Rev. Chandler, 14.  
ROBINSON, Isaac, son of Pilgrim pastor, family, 53, note, toward Quakers, 109.  
Robinson, Rev. John, Pilgrim pastor, 28, 30, 32, 49, on attitude of Reformers, Farewell Address, liberality, 50, letter rebuking Standish, 52, death, 53, note.  
ROCK, Plymouth, attempted removal of, 15.  
ROGERS, John, note, 83.  
RULING ELDERS, office of, 38.



## OF THE PILGRIM STATE

RUNNYMEADE, 12.

RUSSELL FAMILY, Pilgrim ancestry, 112.

### S

SABBATH, observance at Plymouth, 42, 43.

Sabbath, scruple of Dr. Prince affecting accurate statement, 30.

SACRAMENTS, right of laymen to administer, rule at Plymouth, 34.

SAINT FRANCIS DE SALES, Introduction to Devout life, compared with letters of Robinson, 50, note.

SALEM, Massachusetts Bay, re-ordination of Episcopal clergymen at, 33.

SAMOSET, 86, note.

SAMPSON, Henry the Pilgrim, descendants, 77, note.

SANITY, of Pilgrims, 16, 20.

SASSAMON, John, 104, 105, note.

SHELLENGER FAMILY, Pilgrim ancestry, 112.

SCHENCK FAMILY, Pilgrim ancestry, 112.

SCHISM, in Pilgrim Church, 27.

SCOTLAND, laws of against witches, 17.

SCRUPLE, religious, influencing historical investigation, 30.

SERMONS, at Plymouth on Forefathers Day, 51.

SEVEN ARTICLES, of Church at Lyden, 47, 48.

SEVERITY OF LAWS, at Plymouth, cause of, 58.

SIDIS, BORIS, M. D., Psychology of suggestion, 17, demonophobia, 19.

SIXTEENTH CENTURY, political revolution of, 12.

SLAVERY, King Philip's son sold into, 55.

SMITH, Rev. Ralph, 39.

SOCAGE, free and common, 95.

"SOCIETY," meaning of in congregational nomenclature, 32, 44.

SOCIETY OF MAYFLOWER DESCENDANTS, 16.

SOJOURN IN HOLLAND, liberalizing effect, 57, 58.

SOULE, Benjamin, 59.

Soule, Ebenezer, son of Benjamin, 59.

Soule, George the Pilgrim, liberality of, 67, note, descendants, 77, note.

Soule, Jabez, 59.

Soule, John, 67, note.

Soule, Sarah, wife of Dependence Sturtevant, 77, note.

Soule, Zachariah, 59.

SOUTHWORTH, Constant, 83.

SOWAMS, 85.

SPOONER, Deacon, 15, 28.

STANDISH, Aleander, son of Myles, 69.

Standish, Lorah, daughter of Myles, 70.

Standish, Captain Myles, legend of courtship, 9, lawsuits, 29, note, rebuked by Robinson, ethics of conduct toward Indians, 51, 52, will of 52, 53, descendants, 77, note, not member of Pilgrim Church, 110. See Longfellow and Priscilla Mullins.

Standish, Rose, first wife of Captain Myles, 68, 70.



## THE RELIGIOUS AND LEGAL CONSTITUTION

Standish, Sarah, 59.  
Standish, Shadrach, 59.  
"STANDISH OF STANDISH," novel by Jane Austin, 16, 52, 69.  
STATE, Pilgrim, duration of, 65, extent of, 79, end 111.  
STITES FAMILY, Pilgrim ancestry, 112.  
Stites, John, first husband of Priscilla Leaming, 71, note.  
STOCKS, reason for use of, 100, note.  
STRONG WATER, laws regulating sale, 100.  
STURTEANT, Dependence, 77, note.  
Sturtevant, Mrs. Hannah, 27, note.  
SUCCESSION, from Pilgrim Church, claimed by many, 32.  
SUPERSTITION, freedom of Plymouth compared with Massachusetts Bay, 108, note.  
SYNG, Philip, 71, note.  
SYNOD, authority of, 49.

### T

TAX, minister, opposition to, 44, note.  
TAXATION, for support of public worship, 43.  
TEACHING ELDERS, office of, 38.  
THACH, use of forbidden in covering dwellings, 94.  
THACHER, Dr. James, historian, 14, 25, 67.  
THEOLOGICAL OPINIONS, changes in Pilgrim Church, 25, 55.  
THEOLOGY of Pilgrim Church in Holland, 51.  
Theology of Old Testament adopted by Pilgrim descendants, 59.  
THOMPSON, John, 41, note.  
Thompson, Mary, wife of John, 41, note.  
TILLEY, Elizabeth, wife of John Howland, 40, note, 70.  
Tilley, John the Pilgrim, 70, 77, note.  
TISQUANTUM, Indian adviser to Pilgrims, 87, note.  
TITLE "Pilgrim," unknown to first settlers, 12.  
Titles to land, ethics of transactions with Indians, 83, 88.  
TOBACCO, use of regulated, 102.  
TOMBSTONES, reliability of inscriptions, 70, 71.  
TOTAL ABSTINENCE and Pilgrims, 101.  
TOWN MEETINGS, date of, 31, note.  
TRANSFERS OF LAND, from Indians regulated, 88.  
TREASON, capital crime, 102.  
TUPPER, Ann, 41, note.  
Tupper, Thomas, long life of, 41, note.

### U

UNITARIANISM, First Church of Pilgrims embraces doctrines of, 9, 30, 44.  
UNITARIAN Upheaval, in New England, 25, 28, 44.  
Unitarians, faith of Robinson claimed by, 30.  
UNITED COLONIES of New England, 80.  
UNWRITTEN LAWS, of Plymouth Colony, 66.

### V

VINES, Richard, and great plague, 86, note.  
VIRGINIA, 11.



## OF THE PILGRIM STATE

Virginia Company, jurisdiction of, 75, 76.

VOTE, right of Suffrage not limited to church members, 107.

### W

WADDINGTON, Rev. Dr., 32.

WARRANT, issued from Indian court, copy of, 89, note.

WARREN, Elizabeth, long life of, 40, note.

Warren, Richard the Pilgrim, descendants, 77, note.

WARWICK PATENT, 80.

WASHINGTON, President, mission of Indians to, 85, note.

"WAST BOOK" of Colonel John Gorham, 71, note.

WATSON, George, 41, note.

WELCOME, ship, Cotton Mather's letter advising capture of, 54, note.

WESSAGUSSETT (Weymouth), 51.

WHALEMEN first settlers of Cape May, 112.

WHILDIN FAMILY, 71, note.

Whildin, Joseph, husband of Hannah Gorham, descendants, 71, note.

Whildin, Mary, wife of Josiah Crowell, 71, note.

WHIPPING, of Quakers, 109.

Whipping posts and stocks, 100, note.

WHITEFIELD, Rev. George, at Plymouth, 9, 25, 26, public confession of, 27, note.

WILLIAMS, John, Bishop of Connecticut, 65.

Williams, Roger, assistant pastor at Plymouth, 39, 42, 43.

WICKEDNESS, Bradford on growth of, 103, note.

WINCOB, John, 75.

WINSLOW, Edward Jr., 14.

Winslow, Governor Josiah, on purchase of lands from Indians, 84.

Winslow's Brief Narration, 50.

WINTER, first at Plymouth, 68.

WINTHROP, Governor, visit to Plymouth, 42.

WITCH, punishment of, 103.

Witches, trials of accused persons in Plymouth Colony, 108.

Witches, marks of, 17.

WITCHCRAFT, in Plymouth Colony, 9, in Europe, Luther's opinion, treatise of King James I., 17, executions in seventeenth century, 18, punishment never inflicted in Plymouth Colony, 107, executions for in Massachusetts Bay, 108.

WOLSTENHOLM, Sir John, 75.

WOMEN, Pilgrim names of, 59.

WRIGHT, Richard, 41, note.

### Y

YARMOUTH, whalers of, 77, note.



































F68 .H85  
The religious and legal constitution of

Princeton Theological Seminary-Speer Library



1 1012 00024 3859